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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Ninth Year of the Reign of His Majesty  
KING EDWARD VII.,

Being the First Session of the Twelfth  
Legislature of Ontario.

BEGUN AND HOLDEN AT TORONTO ON THE SIXTEENTH DAY OF FEBRUARY IN THE YEAR  
OF OUR LORD ONE THOUSAND NINE HUNDRED AND NINE.



HIS HONOUR  
JOHN MORISON GIBSON,  
LIEUTENANT-GOVERNOR.

TORONTO:  
PRINTED AND PUBLISHED BY L. K. CAMERON,  
Printer to the King's Most Excellent Majesty,  
1909.



WARWICK BRO'S & RUTTER, Limited, Printers,  
TORONTO.

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## 9 EDWARD VII.

### CHAPTER 1.

An Act for granting to His Majesty certain sums of money for the public service of the financial period of ten months ending on the 31st day of October, 1909, and for the public service of the financial year ending the 31st day of October, 1910.

*Assented to 13th April, 1909*

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from His Honor Preamble.  
John Morison Gibson, Lieutenant-Governor of the Province of Ontario and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial period of ten months ending on the 31st day of October, 1909, and for the financial year ending the 31st day of October, 1910, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Seven million three hundred and fifty-one thousand five hundred and seventy-eight dollars and twenty-one cents, towards defraying the several charges and expenses of the public service of this Province not otherwise provided for, from the first day of January, 1909, to the thirty-first day of October, 1909, as set forth in Schedule "A" to this Act. \$7,351,578.21 granted for ten months ending 31st October, 1909.

2. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Six million five hundred and eight thousand and four dollars and nineteen cents towards defraying \$6,508,004.19 granted for fiscal year 1909-10.

defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the first day of November, 1909, to the thirty-first day of October, 1910, as set forth in Schedule "B" to this Act.

Accounts to be  
laid before  
Assembly.

3. Accounts in detail of all moneys received on account of this Province during the said period of ten months, and of all expenditures under Schedule "A" of this Act, shall be laid before the Legislative Assembly at its first sitting after the completion of the said period; and accounts in detail of all moneys received on account of this Province during the financial year 1909-1910 and of all expenditures under Schedule "B" of this Act, shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appropriations  
for 1909  
unexpended,  
to lapse.

4. Any part of the money under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1909, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act*, as amended by the Act passed at the present session intituled *An Act respecting the Fiscal Year*, shall on the first day of December following lapse and be written off.

Appropriations  
for 1909-10  
unexpended,  
to lapse.

5. Any part of the money under Schedule "B" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1910, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or after a date fixed by the Lieutenant-Governor in Council as mentioned in section 4 shall on the first day of December following lapse and be written off.

Accounting for  
expenditure.

6. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

## SCHEDULE "A."

Sums granted to His Majesty by this Act for the financial period of ten months ending on the thirty-first day of October, one thousand nine hundred and nine, and the purposes for which they are granted:—

CIVIL

## CIVIL GOVERNMENT.

To defray the expenses of the several Departments at  
Toronto:—

Lieutenant-Governor's Office.....	\$3,933 34	
Office of the Prime Minister and President of the Council.....	6,458 35	
Attorney-General's Department...	54,057 59	
Education Department.....	25,666 71	
Lands, Forests and Mines Depart- ment.....	108,717 60	
Public Works Department.....	48,649 46	
Treasury Department.....	28,830 23	
Auditor's Office.....	10,816 70	
Provincial Secretary's Department	135,999 35	
Department of Agriculture.....	46,794 76	
Miscellaneous.....	16,800 04	
	<hr/>	\$486,724 13

## LEGISLATION.

To defray expenses of Legislation.....	240,966 11
--	------------

## ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice	556,522 86
---	------------

## EDUCATION.

To defray expenses of:—

Public and Separate School Edu- cation.....	\$881,767 34
Normal and Model Schools, To- ronto.....	36,316 00
Normal and Model Schools, Ot- tawa.....	38,781 00
Normal and Model Schools, Lon- don.....	22,228 00
Normal School, Hamilton.....	17,018 00
Normal School, Peterborough.....	16,968 00
Normal School, Stratford.....	17,502 00
Normal School, North Bay.....	18,350 00
High School and Collegiate In- stitutes.....	147,000 00
Departmental Library and Mus- eum.....	15,931 30
Public Libraries, Art Schools, Lit- erary and Scientific.....	55,685 00
Technical Education.....	40,200 00
Superannuated Public and High School Teachers.....	65,650 00
Provincial University and Mining Schools.....	43,215 78
Maintenance Education Depart- ment and Miscellaneous.....	35,789 00

Institution

Institution for Deaf and Dumb, Belleville .....	\$ 52,114 00	
Blind Institute, Brantford.....	37,713 00	
	<hr/>	\$1,542,228 42

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:		
Hospital for Insane, Brockville..	\$94,595 00	
Hospital for Insane, Cobourg ....	23,469 00	
Hospital for Insane, Hamilton ...	141,354 00	
Hospital for Insane, Kingston ...	101,660 00	
Hospital for Insane, London ....	137,824 00	
Hospital for Insane, Mimico .....	85,956 00	
Hospital for Feeble Minded, Orillia .....	73,985 00	
Hospital for Insane, Penetan- guishene. ....	58,689 00	
Hospital for Insane, Toronto ....	131,746 00	
Hospital for Epileptics, Woodstock	30,918 00	
Central Prison, Toronto.....	59,780 00	
Central Prison Industries.....	54,642 00	
Mercer Reformatory, Toronto...	25,102 00	
	<hr/>	\$1,019,720 00

## AGRICULTURE.

To defray expenses of a grant in aid of Agri- culture .....	\$523,287 00
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## COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immi- gration .....	\$48,943 00
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## STATIONARY ENGINEERS.

To defray expenses of Stationary Engineers....	\$4,958 34
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## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hos- pitals and Charities.....	\$345,950 00
---	--------------

MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

Government House.....	\$ 20,321 00	
Parliament and Departmental Buildings .....	74,985 00	
	<hr/>	\$ 95,306 00

## PUBLIC BUILDINGS.

Osgoode Hall.....	\$39,242 00
Addition to Parliament Buildings.	300,000 00

Public



## Public Institutions :—

Hospital for Insane, Brockville ..	\$ 22,340 00
Hospital for Insane, Cobourg ....	3,300 00
Hospital for Insane, Hamilton ....	39,190 00
Hospital for Insane, Kingston ....	17,300 00
Hospital for Insane, London .....	19,830 00
Hospital for Insane, Mimico .....	24,000 00
Hospital for Feeble Minded, Orillia	16,000 00
Hospital for Insane, Penetanguishene .....	23,300 00
Hospital for Insane, Toronto: ....	8,000 00
Hospital for Epileptics, Woodstock	13,050 00
Central Prison, Toronto .....	155,500 00
Mercer Reformatory, Toronto ....	8,300 00

## Educational :—

Normal and Model Schools, Toronto .....	13,300 00
Normal and Model School, Ottawa	7,275 00
Normal School, London .....	2,000 00
Normal School, Hamilton .....	2,200 00
Normal School, Peterborough ....	4,900 00
Normal School, Stratford .....	2,700 00
Normal School, North Bay .....	4,700 00
Additional Normal Schools .....	42,800 00
Deaf and Dumb Institute, Belleville .....	9,950 00
Institution for the Blind, Brantford .....	10,733 00
Ontario Agricultural College ....	12,700 00
Union Station Office and Immigration House .....	73 50
Fruit Experimental Station ....	13,070 00
Winter Fair Building (addition)..	25,000 00
Hygienic Building, London .....	32,389 00

## Districts :—

Muskoka .....	1,462 00
Parry Sound .....	3,300 00
Algoma .....	2,225 00
Thunder Bay .....	3,085 00
Rainy River .....	2,450 00
Nipissing .....	5,900 00
Manitoulin .....	1,100 00
Sudbury .....	15,104 55
Kenora .....	26,200 00

Total Public Buildings... \$933,969 05

## PUBLIC WORKS.

To defray expenses of Public Works ..... \$172,085 49  
COLONIZATION

## COLONIZATION AND MINING ROADS.

To defray expenses of Construction and Repairs .....	\$501,654 75
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## CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands .....	\$528,059 36
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## REFUNDS.

Education .....	\$1,000 00
Crown Lands .....	17,000 00
Land Improvement Fund .....	1,253 70
Miscellaneous .....	12,000 00
	<hr/>
	\$31,253 70

## MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure .....	\$319,950 00
Total Estimates for Expenditure of 1909 ..	<hr/> \$7,351,578 21

## SCHEDULE "B."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, 1910, and the purposes for which they are granted:—

## CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:—

Lieutenant-Governor's Office ....	\$4,650 00
Office of the Prime Minister and President of the Council .....	7,750 00
Attorney-General's Department .....	64,161 00
Education Department .....	29,210 00
Lands, Forests and Mines Department .....	130,460 00
Public Works Department .....	58,300 00
Treasurer's Department .....	34,064 00
Auditor's Office .....	12,980 00
Provincial Secretary's Department .....	160,190 00
Department of Agriculture .....	55,970 00
Miscellaneous .....	20,100 00
	<hr/>
	\$577,835 00

LEGISLATION

## LEGISLATION.

To defray expenses of Legislation ..... \$253,550 00

## ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice ..... 665,668 66

## EDUCATION.

To defray expenses of:—  
 Public and Separate School Education ..... \$962,583 33  
 Normal and Model Schools, Toronto ..... 44,120 00  
 Normal and Model Schools, Ottawa ..... 43,325 00  
 Normal School, London ..... 25,720 00  
 Normal School, Hamilton ..... 20,285 00  
 Normal School, Peterborough... 20,615 00  
 Normal School, Stratford ..... 20,765 00  
 Normal School, North Bay..... 22,800 00  
 High Schools and Collegiate Institutes ..... 148,900 00  
 Departmental Library and Museum ..... 18,500 00  
 Public Libraries, Art Schools, Literary and Scientific ..... 60,100 00  
 Technical Education ..... 55,200 00  
 Superannuated Public and High School Teachers ..... 63,150 00  
 Provincial University and Mining Schools ..... 42,200 00  
 Maintenance Education Department and Miscellaneous ..... 31,924 00  
 Institution for Deaf and Dumb, Belleville ..... 59,348 00  
 Blind Institute, Brantford ..... 42,351 00  
 ----- \$1,681,886 33

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—  
 Hospital for Insane, Brockville \$110,106 00  
 Hospital for Insane, Cobourg ... 27,950 00  
 Hospital for Insane, Hamilton... 168,727 20  
 Hospital for Insane, Kingston... 118,843 00  
 Hospital for Insane, London ... 163,700 00  
 Hospital for Insane, Mimico ... 101,700 00  
 Hospital for Feeble Minded, Orillia ..... 86,717 00

Hospital

Hospital for Insane, Penetanguishene .....	\$68,465 00
Hospital for Insane, Toronto ...	154,197 00
Hospital for Epileptics, Woodstock .....	37,336 00
Central Prison, Toronto .....	71,490 00
Central Prison Industries .....	64,420 00
Mercer Reformatory, Toronto ...	30,225 00
	<hr/> \$1,203,876 20

## AGRICULTURE.

To defray expenses of a grant in aid of Agriculture.. .....	\$584,838 00
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## COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration .....	\$57,800 00
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## STATIONARY ENGINEERS.

To defray expenses of Stationary Engineers..	\$5,950 00
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## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities .....	\$307,950 00
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MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

Government House .....	\$18,000 00
Parliament and Departmental Buildings .....	81,500 00
	<hr/> \$99,500 00

## PUBLIC BUILDINGS.

Addition to Parliament Buildings .....	\$200,000 00
New Provincial Prison .....	50,000 00
Kenora Court House .....	15,000 00
Total Public Buildings .....	<hr/> \$265,000 00

## CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands .....	\$507,300 00
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REFUNDS

## REFUNDS.

Education .....	\$1,000 00	
Crown Lands .....	17,000 00	
Miscellaneous .....	12,000 00	
	<hr/>	\$30,000 00

## MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure ..... \$266,850 00

Total Estimates for Expenditure of 1909-  
1910 .....\$6,508,004 19

## CHAPTER 2.

An Act respecting the Provisional County of  
Haliburton.*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.

RIGHTS, POWERS AND LIABILITIES  
OF THE PROVISIONAL COUNTY  
AND ITS COUNCIL, s. 2.BY-LAWS IN AID OF RAILWAYS,  
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15.REGISTRARS AND REGISTRATION  
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LAND, s. 16.POWER OF TOWNSHIPS AND VILL-  
AGES TO AID GRIST MILLS,  
s. 17.

REPEAL, s. 18.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of On-  
tario, enacts as follows:—

Short Title.

1. This Act may be acted as "*The Haliburton Act.*"  
(*New.*)

## PROVISIONAL COUNTY COUNCIL.

Rights, lia-  
bilities and  
powers of the  
provisional  
county cor-  
poration and  
council.

2. Except where herein otherwise provided the said Pro-  
visional County and the Corporation and Council thereof  
shall have and possess respectively all the rights, powers,  
liabilities and incidents of a County, County Corporation  
and County Council; and, except where inconsistent with  
this Act, the law and the Statutes applicable to Counties,  
County Corporations and County Councils, and the mem-  
bers of such Councils, shall apply. R.S.O. 1897, c. 4, s. 3.

Power to aid  
railways.

3. No by-law for granting aid to any railway company,  
shall be valid unless, within three months from the passing  
thereof, it is approved by the Lieutenant-Governor in Coun-  
cil. R.S.O. 1897, c. 4, s. 4 (3).

4. The meetings of the Council shall be held at the place Council, meetings of. within the County where the Registry Office is kept. R.S.O. 1897, c. 4, s. 5.

#### ADMINISTRATION OF JUSTICE.

5. For judicial purposes, including the holding of County to form part of Victoria for judicial purposes. Courts, the officers of such Courts, judicial process and proceedings, and the selection of jurors, the Provisional County shall be united to and form part of the County of Victoria. R.S.O. 1897, c. 4, s. 9. (*Amended.*)

6. The Justices of the Peace appointed for the said Pro- Justices of the Peace. visional County shall be entitled to sit in the General Sessions held for the County of Victoria. R.S.O. 1897, c. 4, s. 10.

7. Where an appeal lies from the decision of a Justice Appeal from decisions of justices of the peace. or Justices of the Peace to the General Sessions of the Peace, the appeal in a case arising in the said Provisional County shall lie to and may be heard and determined by the Court of General Sessions of the Peace for the County of Victoria. R.S.O. 1897, c. 4, s. 11.

8. All returns of convictions required by law to be made Returns of convictions. by a Justice of the Peace for the Provisional County shall be made to the Clerk of the Peace for the County of Victoria. R.S.O. 1897, c. 4, s. 12.

9. The Lieutenant-Governor in Council may from time Erection of gaols. to time direct that one or more suitable goals or lock-ups shall be provided by the Minister of Public Works, in the Provisional County out of any money appropriated for that purpose. R.S.O. 1897, c. 4, s. 13.

10. Every gaol and lock-up erected under the authority Gaols in Haliburton to be Common Gaols of Haliburton and Victoria. of the Lieutenant-Governor in Council, shall be a common Gaol of the Provisional County, and of the County of Victoria, for the safe custody of persons charged with the commission, within the Provisional County, of crimes, or with the commission therein of offences against any statute of Ontario, or against any municipal by-law, who may not have been finally committed for trial; and for the safe custody of such persons when finally committed for trial, until removed to the Common Gaol at Lindsay, and for the confinement of persons sentenced within the Provisional County for such crimes or offences, for periods not exceeding one month; and for the confinement of persons sentenced as aforesaid for periods exceeding one month, until such persons can be conveniently removed to the Common Gaol at Lindsay, or other lawful prison to which they are sentenced. R.S.O. 1897, c. 4, s. 14.

May commit to  
the gaol at  
Lindsay.

11. Nothing in the next preceding section shall prevent any Court, or Justice of the Peace from directing the committal to the Common Gaol at Lindsay, either for safe custody, or for punishment, of any person whom it may be considered expedient to commit thereto. R.S.O. 1897, c. 4, s. 15.

Appointment  
of Gaoler.

12.—(1) The Sheriff of the County of Victoria shall have authority to appoint the Gaoler for the Provisional County, but the appointment and dismissal of such Gaoler shall be subject to the approval of the Lieutenant-Governor. 7 Edw. VII. c. 23, s. 56; see 3 Edw. VII. c. 19, s. 504.

Salary of  
Gaoler.

(2) The salary of the gaoler shall be provided by the Council of the Provisional County, subject to the proper proportion thereof being repaid, according to the rule governing in other Counties. R.S.O. 1897, c. 4, s. 16. *part.*

Appointment  
of Constables.

13. The Judge of the County Court of the County of Victoria shall have authority to appoint such constables as he may deem necessary for the Provisional County. R.S.O. 1897, c. 4, s. 16, *part.*

Contribution,  
by Haliburton  
to expenses of  
administration  
of justice.

14.—(1) The Provisional County shall bear and pay to the Corporation of the County of Victoria its just share or proportion of all charges and expenses from time to time incurred in erecting, building and repairing and maintaining, enlarging or improving the court house and common gaol at Lindsay and of the proper lighting, cleansing and heating thereof, and of providing all necessary and proper accommodation, fuel, light, stationery and furniture for the gaol and Courts of Justice, other than the Division Courts and for the library of the Law Association of the county and of providing proper offices, together with fuel, light, stationery and furniture for officers connected with such courts, where the same are required to be provided by the county council, and all other charges relating to criminal justice, payable by the county in the first instance, except constable's fees and disbursements, and charges connected with coroners' inquests and such other charges as the counties are entitled to be repaid by the Province.

Application of  
3 Edw. VII.  
c. 19.

(2) The provisions of *The Consolidated Municipal Act, 1903*, with respect to the determination of the compensation to be paid by the corporation of a city or separated town to the corporation of the county in which for judicial purposes the city or town is situate shall apply to the determination of the compensation payable under this section. (*New.*) See R.S.O. 1897, c. 4, s. 17, and 3 Edw. VII. c. 19, s. 509, (1).



## APPEALS IN ASSESSMENT CASES.

15.—(1) An appeal shall lie from the decision of the Court of Revision of any Municipality within the Provisional County to the Judge of the County Court of the County of Victoria. R.S.O. 1897, c. 4, s. 22.

(2) Section 76 of *The Assessment Act* as amended by section 51 of *The Ontario Railway and Municipal Board Act* shall apply to the Provisional County. (New.)

Appeal from Court of Revision to Judge.  
4 Edw. VII.  
c. 23, s. 76.  
6 Edw. VII.  
c. 31, s. 51.

## REGISTRARS.

16. The Registrar of deeds shall keep his office in a place to be named for that purpose in his commission, or at such other place as may be from time to time appointed by the Lieutenant-Governor in Council. R.S.O. 1897, c. 4, s. 24.

## POWER OF TOWNSHIPS AND VILLAGES TO AID GRIST MILLS.

17.—(1). In addition to the powers conferred by *The Consolidated Municipal Act, 1903*, the council of any township or village municipality in the Provisional County may pass by-laws for—

Aid to grist mills by taking stock or lending money.

- (a) Granting aid to or for promoting the establishment of a grist mill in such township or village—
- (b) Taking stock in any company incorporated for establishing a grist mill in such township or village—
- (c) Lending money to any such company.

(2) The aid to be granted, the stock to be taken and the money to be lent under subsection 1 shall not in all exceed one-half of the actual cost of such grist mill or in any case the sum of \$3,000.

(3) Notwithstanding anything in *The Consolidated Municipal Act, 1903*, the vote in the affirmative of two-thirds of the electors actually voting upon any such by-law shall be necessary and sufficient to the carrying of the same. R.S.O. 1897, c. 4, s. 30 (4); 61 V. c. 23, s. 1 (1).

By-laws to require assent of two-thirds of ratepayers voting.

(4) No such by-law shall be passed for or in respect of the establishment of a grist mill in a location less than fifteen miles from any grist mill established in the said Provisional County and in operation on the 13th day of April, 1897. R.S.O. 1897, c. 4, s. 30 (5); 61 V. c. 23, s. 1 (2).

Bonus not to be granted where mill already established.

Deciding  
disputes as to  
result of vote.

(5) In case of a dispute as to the result of the vote on any by-law the Judge of the County Court of the County of Victoria shall have the powers conferred by section 369 of *The Consolidated Municipal Act, 1903*.

3 Edw. VII.  
c. 19.

Proceedings.

(6) The petition to the Judge may be by an elector or by the council; and the proceedings for obtaining the Judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

Council may  
appoint a  
representative  
on board of  
directors.

(7) The council of a municipality taking stock in a company under the authority of this section shall, annually, at its first meeting for the year, elect from among its members a representative of such council to the board of directors of the company, and such representative shall be entitled to sit and vote at all meetings of the board and to vote at all meetings of shareholders in respect of the stock held by the municipality which he represents. R.S.O. 1897, c. 4, s. 30, (6)-(11).

Application of  
certain pro-  
visions of  
3 Edw. VII.,  
c. 19.

(8) Except as herein otherwise provided the provisions of *The Consolidated Municipal Act, 1903*, as to by-laws for the creation of debts and the obtaining the assent of the electors thereto shall apply. (*New.*)

#### REPEAL.

Repeal.

18. Chapter 4 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed. (*New.*)

## CHAPTER 3.

## An Act to provide Prompt Punishment for Personation at Elections for the Legislative Assembly.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.	AUTHORITY OF REGISTRAR'S CLERK AND POLL CLERK, s. 9.
INTERPRETATION, s. 2.	APPOINTMENT OF SPECIAL CONSTABLES, s. 9.
WHEN PERSON CHARGED BEFORE REGISTRAR OR DEPUTY RETURNING OFFICER, s. 3.	FORMS AUTHORIZED, s. 10.
MODE OF RECOVERING PENALTY, s. 4.	CROWN ATTORNEY TO SUPPLY FORMS, ss. 11, 12.
DETAINING OFFENDER WHILE INFORMATION IS DRAWN UP, s. 5.	PENALTY FOR OFFICERS' CONTRAVENTION OF ACT, s. 13.
WARRANT, ss. 6-8.	REPEAL, s. 14.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Punishment for Personation Act*." Short title.

2. In this Act "County" shall include "District."

Interpretation.  
"County."

3. Where a person is charged at a place of registration under *The Manhood Suffrage Registration Act*, or at a polling place with having committed the offence of personation, as defined by the said Act or by *The Ontario Election Act*, the Registrar or Deputy Returning Officer at such place may take the information on oath of the person making the charge, and it shall be the duty of the Registrar or Deputy Returning Officer to take the information when requested so to do by a candidate or his agent. R.S.O. 1897, c. 10, s. 3.

Registrar or  
deputy  
returning  
officer to take  
information.  
7 Edw. VII. c. 5,  
8 Edw. VII. c. 3.

4. Where the information is laid before a Registrar and a warrant is issued by him under this Act, or, notwithstanding the provisions of section 201 of *The Ontario Election Act*, where the information is laid before a Deputy  
Returning

Mode of  
recovering  
penalty.

Rev. Stat.  
c. 90.

Returning Officer, and a warrant for the arrest of the offender is issued by him under this Act, the punishment or penalty imposed by law may be imposed by or recovered before a Police Magistrate or two Justices of the Peace in a summary manner under *The Ontario Summary Convictions Act*, and every warrant issued by such officer shall be presumed to have been issued under this Act. R.S.O. 1897, c. 10, s. 2, *part, amended*.

Detaining  
offender while  
information is  
drawn up.

5. Where the person against whom it is proposed to lay the information has not left the place of registration or the polling place, the Registrar or Deputy Returning Officer may, either of his own motion or at the request of any one proposing forthwith to lay an information against such person, detain him or direct his detention until an information can be laid and a warrant for his arrest issued. R.S.O. 1897, c. 10, s. 4.

Warrant for  
arrest of  
offender.

6. Where the information is laid, the Registrar may on any day during which a sittings for registration is held, or the Deputy Returning Officer may on the polling day, but not afterwards, issue his warrant for the arrest of the person charged, in order that he may be brought before the Police Magistrate or Justices of the Peace to answer the information and to be further dealt with according to law. R.S.O. 1897, c. 10, s. 5.

Warrant to be  
sufficient  
authority to  
constable, etc.

7. The warrant shall be sufficient authority for any constable, peace officer or gaoler to detain such person until he is brought before the Police Magistrate or Justices of the Peace. R.S.O. 1897, c. 10, s. 6.

Where name  
of person  
charged is  
unknown.

8. Where the correct name of the person charged is unknown to the informant, it shall be sufficient in the information and other proceedings to describe the person charged as a person whose name is unknown, but who is detained by the authority of the Registrar or Deputy Returning Officer under the provisions of this Act; or the person charged may be described in such other manner as may sufficiently identify him; but when the name of the person so charged has been ascertained, it shall be stated in any subsequent warrant or proceeding. R.S.O. 1897, c. 10, s. 7. *Amended*.

Authority of  
certain officers.

Special  
constables.

9. Every Registrar's Clerk and every Poll Clerk shall have the authority of a constable for the purpose of carrying out the provisions of this Act; and every Registrar and Deputy Returning Officer may appoint such special constables as he deems necessary for the like purpose; and such persons shall have full power to act without taking any oath. R.S.O. 1897, c. 10, s. 8.

10. Informations or warrants may be in accordance with the forms in the Schedule hereto, but it shall not be necessary that a warrant shall have a seal affixed thereto, and the omission of a seal, where a warrant purports to be sealed, shall not invalidate it. R.S.O. 1897, c. 10, s. 9.

Form of  
information  
and warrant.

11. Every County Crown Attorney shall keep in his office a sufficient supply of printed forms of such informations and warrants, and shall upon the request of the Chairman of a Board of Manhood Suffrage Registrars furnish him with as many of such forms as are necessary for the use of the Registrars, and shall upon the request of the Returning Officer furnish him with as many of such forms as are necessary for the use of the Deputy Returning Officers; and every Returning Officer shall, before the polling day, furnish each Deputy Returning Officer with at least ten of each of such forms. R.S.O. 1897, c. 10, s. 10.

County Crown  
Attorney to  
supply forms.

12.—(1) For providing and furnishing the forms, the County Crown Attorney shall be allowed \$4 for each election for which such forms are supplied, to be paid on the production of the receipts of the officer or officers to whom they were furnished.

Allowance to  
County Crown  
Attorney for  
supplying  
forms.

(2) The fees and the disbursements of the County Crown Attorney in obtaining the forms shall form part of the expenses of criminal justice. R.S.O. 1897, c. 10, s. 11.

Fees to be part  
of expenses of  
criminal  
justice.

13. Every person guilty of any wilful misfeasance, or any wilful act or omission in contravention of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, \$400. R.S.O. 1897, c. 10, s. 12.

Money penalty  
for offences.

14. Chapter 10 of the Revised Statutes of Ontario, 1897, is repealed.

Repeal.

#### FORM 1.

(See Section 37 of The Manhood Suffrage Registration Act.)

*Information for Personation at a Place of Registration of Manhood Suffrage Voters.*

County of \_\_\_\_\_, } The information of \_\_\_\_\_ taken  
of \_\_\_\_\_, } of the \_\_\_\_\_ of \_\_\_\_\_, 19 \_\_\_\_\_ before  
To Wit: } this \_\_\_\_\_ day of \_\_\_\_\_  
the \_\_\_\_\_ of \_\_\_\_\_ } the undersigned, a Registrar under *The*  
\_\_\_\_\_ } *Manhood Suffrage Registration Act*, for

The informant says that he believes that \_\_\_\_\_ (1) on this day at the sittings held in the \_\_\_\_\_ of \_\_\_\_\_ at a place of registration in the said \_\_\_\_\_ for the registration of voters under the said Act did commit the offence of personation contrary to the said

Act

Act for that the said (2) did apply to be registered in the name of another person, that is to say, in the name of *C.D.* (3).

A. B.,  
Informant.

Taken and sworn (4) before me at the said place of registration and on the day and year above mentioned. W. J.

NOTE.—(1) *If the name of the person charged is unknown to the informant substitute "a person whose name is unknown to the informant, but who is now detained in the said place of registration under my order."*

(2) *Or, "person whose name is unknown,"*

(3) *Or, "having been once registered, did apply to be again registered under the said Act".*

(4) *Or, if the informant is a person who may by law affirm in civil cases then for "sworn" substitute "solemnly affirmed."*

### FORM 2.

(See Section 174 of The Ontario Election Act.)

#### Information for Personation at a Polling Place.

County of \_\_\_\_\_, { The information of \_\_\_\_\_ of  
of \_\_\_\_\_, { the \_\_\_\_\_ of \_\_\_\_\_, taken this  
To Wit: { day of \_\_\_\_\_, 19 \_\_\_\_\_, before the  
undersigned, a Deputy Returning Officer  
at a polling place in the \_\_\_\_\_ of \_\_\_\_\_ for an election then being  
held of a Member of the Legislative Assembly for the Electoral Dis-  
trict of \_\_\_\_\_

The informant says that he believes that (1)  
on this day at the said polling place did commit the offence of  
personation contrary to *The Ontario Election Act*, for that the said  
(2) did apply for a ballot paper in the name  
of another person, that is to say, in the name of *C.D.* (3).

A. B.,  
Informant.

Taken and sworn (4) before me at the said polling place and on  
the day and year above mentioned.

W. J.

NOTE.—(1) *If the name of the person charged is unknown to the informant substitute "a person whose name is unknown to the informant, but who is now detained in the said polling place under my order."*

(2) *Or, "person whose name is unknown,"*

(3) *Or, "having voted at the same election, did apply for a ballot paper in his own name." or "did vote more than once at the same election."*

(4) *Or, if the informant is a person who may by law affirm in civil cases then for "sworn" substitute "solemnly affirmed."*

### FORM 3.

#### Warrant for Personation at Place of Registration.

County of \_\_\_\_\_, { To all or any of the constables and  
of \_\_\_\_\_, { other peace officers in the County of  
To Wit: { and \_\_\_\_\_ of \_\_\_\_\_  
Whereas information on oath has this  
day been taken before the undersigned, a Registrar for the  
\_\_\_\_\_ of \_\_\_\_\_ under *The Manhood Suffrage Registration*  
*Act*, for that (1) on this day at a sittings held  
in the \_\_\_\_\_ of \_\_\_\_\_ at a place of registration in the  
said \_\_\_\_\_ for the registration of voters under the said Act, did  
commit the offence of personation contrary to the said Act, for  
that the said (2) did apply to be registered in

the name of another person, that is to say in the name of  
(or, as the case may be, describing the offence as in the information);

These are therefore to command you in His Majesty's name forthwith to apprehend the said \_\_\_\_\_ and to bring him before the Police Magistrate of the said \_\_\_\_\_, or before two Justices of the Peace for the said county, to answer to the said information and to be further dealt with according to law.

Given under my hand this                      day of                      W. J.

19                      .

NOTE.—(1) If the name of the person charged is unknown substitute "a person whose name is unknown to the informant, but who is now detained in the said place of registration by my order, and is being delivered into the custody of G.D., a constable of the said

(2) Or, "person whose name is unknown."

## FORM 4.

*Warrant for Personation at Polling Place.*

County of \_\_\_\_\_, } To all or any of the constables and  
of \_\_\_\_\_ } other peace officers in the \_\_\_\_\_ of  
To Wit: } and of \_\_\_\_\_  
day been taken before the undersigned, a deputy returning officer  
at a polling place in the \_\_\_\_\_ of \_\_\_\_\_ for an  
election then being held of a Member of the Legislative Assembly  
for the electoral district of \_\_\_\_\_ for that

(1) on this day at the said polling place did commit the offence of personation, contrary to *The Ontario Election Act*, for that the said (2) did apply for a ballot paper in the name of another person, that is to say, in the name of \_\_\_\_\_ (or, as the case may be, describing the offence as in the information);

These are therefore to command you in His Majesty's name forthwith to apprehend the said \_\_\_\_\_ and to bring him before the Police Magistrate of the said \_\_\_\_\_, or before two Justices of the Peace for the said county, to answer the said information and to be further dealt with according to law.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_

19 \_\_\_\_ W. J.

NOTE.—(1) If the name of the person charged is unknown substitute "a person whose name is unknown to the informant, but who is now detained in the said polling place and is being delivered into the custody of G.D., a constable of the said ."

(2) Or, "person whose name is unknown"

R.S.O. 1897, c. 10, Schedule.

## CHAPTER 4.

## An Act to amend The Public Service Act.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 15, s. 20  
repealed.

1. Section 20 of *The Ontario Public Service Act* is repealed and the following substituted therefor:

Employment  
of extra tem-  
porary clerks.

20. No extra clerk shall, except under an Order in Council, be employed in any Department for a period exceeding three months, for which he may be paid at a rate not exceeding two dollars per diem out of the contingencies of the Department on the certificate of the head or deputy head thereof, unless such extra clerk be a person of special attainments and employed as such, when he may be paid at a rate not exceeding the ordinary charge for such services; but any extra clerk may under an Order in Council made on the application and report of the head of the Department that the same is requisite, be employed for a longer period, not exceeding six months, and he shall for such period be borne on the pay list of the Department. At the end of six months, or any lesser period, such extra clerk may be re-appointed by Order in Council for a further period not exceeding six months, and so from time to time.



## CHAPTER 5.

## An Act respecting Public Officers.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.	Municipal or School Treasurers, s. 10.
PUBLIC OFFICER TO BE BRITISH SUBJECT, s. 2.	Statement of bonds to be laid before Legislature, s. 11.
COMMISSIONS ON DEMISE OF THE CROWN, ss. 3, 4.	Securities by Public Officers to enure for benefit of Crown, etc., s. 12.
OATHS OF ALLEGIANCE AND OFFICE, 5-7.	Limitation of liability, s. 13.
SECURITY BY PUBLIC OFFICERS, 8-13.	DUTIES OF INSPECTORS, s. 14.
What officers give security, s. 8.	SPECIAL RETURNS BY CERTAIN CLERKS AND REGISTRARS, ss. 15, 16.
Liability for acts of Deputy, s. 8 (2).	PROCEDURE AGAINST PERSON WHO HAS CEASED TO BE PUBLIC OFFICER, s. 17.
Security by Deputy, s. 8 (4).	REPEAL, s. 18.
Regulations as to form of security, s. 9.	

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Public Officers' Act.*" Short title.

2. No person shall be employed in any public office in Ontario who is not a British subject by birth or naturalization; Public officer to be British subject.

Provided that nothing in this section contained shall prevent the employment of any person for a temporary purpose by the Government of Ontario or by any Commission acting for or on behalf of the Crown, when in the opinion of the Government or of such Commission such employment is in the public interest. Proviso.

## COMMISSIONS ON DEMISE OF THE CROWN.

3.—(1) It shall not be necessary, upon the demise of the Crown, to renew any commission, by virtue whereof any public officer or functionary in Ontario held his office or profession Commissions continued on demise of the Crown.

profession, during the previous reign, but a proclamation shall be issued by the Lieutenant-Governor, authorizing all persons in office who held commissions under the late Sovereign, and all functionaries who exercised any profession by virtue of any such commissions, to continue in the due exercise of their respective duties, functions and professions, and such proclamation shall suffice, and the incumbents shall, as soon thereafter as may be, take the usual and customary oath of allegiance before the proper officer or officers thereunto appointed.

(2) The proclamation being issued and oath taken, every public officer and functionary shall continue in the lawful exercise of the duties and functions of his office or profession, as fully as if appointed *de novo* by commission derived from the Sovereign for the time being; and all acts and things *bona fide* done and performed by such incumbents in their respective offices, and in the due and faithful performance of their duties and functions, between the time of the demise and the proclamation so to be issued (the oath of allegiance being always duly taken), shall be deemed to be legally done and valid accordingly. R.S.O. 1897, c. 16, s. 1.

Saving as to rights of the Crown.

4. Nothing in the next preceding section shall prejudice or in anywise affect the rights or prerogatives of the Crown with respect to any office or appointment derived or held by authority from the Crown, nor prejudice or affect the rights or prerogatives thereof in any other respect whatsoever. R.S.O. 1897, c. 16, s. 2.

#### OATHS OF ALLEGIANCE AND OFFICE, ETC.

No other oath but those hereinafter prescribed to be required of certain officers.

5. It shall not be necessary for any person appointed to any office in Ontario, or for any Mayor or other officer or member of any corporation therein, or for any person admitted, called or received as a Barrister, Notary Public, or Solicitor, to make any declaration or subscription, or to take or subscribe any other oath than the oath following, that is to say:—

Oath of allegiance.

"I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty King Edward the Seventh, (*or the reigning Sovereign for the time being,*) as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, and that I will defend Him to the utmost of my power against all traitorous conspiracies or attempts whatever which may be made against His Person, Crown and Dignity, and that I will do my utmost endeavour to disclose and make known to His Majesty, His Heirs or Successors, all treasons or traitorous conspiracies and attempts which I may know to be against Him or any of them;—And all this I do swear without any equivocation, mental evasion or secret reservation: So help me God."

and

and also such oath for the faithful performance of the duties of his office or for the due exercise of his profession or calling as may be required by any law in that behalf. Oath for faithful performance of duties.  
R.S.O. 1897, c. 16, s. 3.

6. Except where otherwise specially provided, the form hereinbefore set forth, and no other, shall be that of the oath of allegiance to be administered to and taken by every person in Ontario, who, either of his own accord or in compliance with any lawful requirement made on him or in obedience to the directions of any statute of the Legislature of Ontario, desires to take an oath of allegiance. The said form of oath of allegiance and no other to be used in all cases. R.S.O. 1897, c. 16, s. 4.

7. All Magistrates and all other officers lawfully authorized, either by virtue of their office or by special commission from the Crown for that purpose, may administer the oath of allegiance in any part of Ontario. Who may administer oath of allegiance. R.S.O. 1897, c. 16, s. 5.

#### SECURITY BY PUBLIC OFFICERS.

8.—(1) Security by or on behalf of every person appointed to any office or employment, or commission in the public service of Ontario, or to any office or employment of public trust, or wherein he is concerned in the collection, receipt, disbursement or expenditure of any public money under the Government of Ontario, and who by reason thereof is required to give security, shall be furnished within one month after notice of his appointment, if he is then in Ontario, or within three months, if he is then absent from Ontario (unless he sooner arrives in Ontario, and then within one month after such arrival), in such sum and in such manner as may be approved of by the Lieutenant-Governor in Council or by the principal officer or person in the office or department to which he is appointed, for the due performance of the trust reposed in him and for his duly accounting for all public moneys entrusted to him or placed under his control. Persons appointed to certain public offices to give security.

(2) Where a deputy is appointed by any person holding an office, any security required by law and hereafter given on behalf of such person, shall extend to and include the acts and omissions of the deputy, whether appointed before or subsequent to the giving of the security. Liability of sureties of public officer for acts of deputy.

(3) The liability of the sureties, and of the officer appointing the deputy, shall be the same as regards the performance of the duties of the office by the deputy, as in regard to the performance thereof by the person holding the office; and such liability shall extend to and cover all acts and omissions of the deputy while he continues to perform the duties of the office, and whether before or after the

the death or resignation of the person appointing him, subject to the same rights of withdrawal by the sureties from liability, as may exist in regard to the security given by public officers.

Deputy may  
be required  
to furnish  
security.

(4) The Lieutenant-Governor in Council may, notwithstanding the provisions of this section, require new security to be furnished by any deputy on the death or resignation of the person holding the office wherein he is deputy, and such security shall be for the like amount, and subject to the same conditions as that required by law for the due performance of the duties of the officer whom the deputy represents. R.S.O. 1897, c. 16, s. 9.

Regulations as  
to form of  
security.

9. The Lieutenant-Governor in Council may prescribe the form of the security required to be furnished under any Statute by a Public Officer or by any class of public officers, and may authorize the Treasurer of the Province to enter into agreements in His Majesty's name with any corporation authorized to carry on the business of fidelity insurance in the Province of Ontario for the furnishing of security for any public officer, or for public officers generally, or for any class or classes of public officers. *New.*

Municipal  
or school  
Treasurers.

10. Nothing in the preceding sections shall apply to any treasurer or other officer of a municipal or school corporation having the custody of moneys of such corporation. R.S.O. 1897, c. 16, s. 22.

Statement of  
bonds to be  
laid before  
Legislature.

11. The Treasurer of Ontario shall cause to be prepared and laid before the Assembly, within fifteen days after the opening of every Session thereof, a detailed statement of all securities furnished on behalf of public officers, and of any changes that have been made in reference to such securities since the last statement laid before the Assembly. R.S.O. 1897, c. 16, s. 23.

Securities by  
public officers  
to enure for  
benefit of  
Crown, etc.

12. The security hereafter furnished on behalf of any public officer in pursuance of this or any other Act requiring security shall enure as well for the benefit of His Majesty as for that of the persons for whose benefit it is provided by the Act requiring the security or otherwise that it shall enure. R.S.O. 1897, c. 16, s. 25.

Limitation as  
to liability of  
sureties of  
public officers.

13. Where any person, company or corporation is surety for a public officer, or for any person appointed to any office, employment or commission in the public service of Ontario, or to any office or employment of public trust, whether the suretyship is for the benefit of His Majesty or enures for the benefit of any person injured by the default or misconduct of the officer or other person, and an action is brought against the surety, no damages shall be recovered  
except

except as to matters and causes of action which have arisen within ten years next before the commencement of the action. R.S.O. 1897, c. 16, s. 27.

#### DUTIES OF INSPECTORS.

14.—(1) The Attorney-General may direct any Inspector to discharge the duties which are by statute or otherwise imposed upon or may be performed by any other Inspector, and an Inspector while acting under such direction shall have all the powers of the Inspector whose duty he has been directed to perform.

Duties of one inspector may be discharged by another.

(2) In this section the word "Inspector" shall include the Inspector of Legal Offices, the Inspector of Registry Offices, the Inspector of Land Titles Offices, the Inspector of Prisons and Public Charities, and the Inspector of Division Courts. R.S.O. 1897, c. 16, s. 28.

Inspector defined.

#### RETURNS OF FEES.

15. Every Clerk of a County Court, every Registrar of a Surrogate Court and every Clerk of a Division Court for a division embracing a city or part of a city, shall keep a separate book, in which he shall enter from day to day all fees, charges and emoluments received by him by virtue of his office, shewing the sums received by him for fees, charges and emoluments of all kinds whatsoever, and shall on or before the 15th day of January in each year make up a statement under oath of such fees, charges and emoluments to and including the 31st day of December of the previous year and return the same to the Provincial Secretary. R.S.O. 1897, c. 16, s. 30.

County Court and Division Court Clerks and Registrars of Surrogate Court.

16. Every public officer who is by this or any other Act required to make a return of the fees and emoluments of his office to any department of the Government, or to any officer, shall include in his return the following particulars:—

Particulars in returns by public officers

(a) The aggregate amount of all fees and emoluments earned by him during the preceding year by virtue of his office;

(b) The aggregate amount of all fees and emoluments actually received by him during the preceding year by virtue of his office;

(c) The actual amount of the disbursements during the same period in connection with his office, and such other particulars as the Lieutenant-Governor in Council may prescribe. R.S.O. 1897, c. 16, s. 29. *Amended.*

Procedure  
against person,  
who has ceased  
to be a public  
officer, for  
retaining  
moneys, books,  
etc.

17. Where a person who has been, but has ceased to be, a public officer, retains possession of any accounts, moneys, books, papers, matters or things which have been in his possession as such officer, a Judge of the High Court, or the Judge of any County or District Court, upon application of the successor in the office of such person or of the Attorney-General or of some person by his authority, and on notice to the person affected, may order that such accounts, moneys, books, papers, matters and things be forthwith delivered to such successor in office or to such person as the Judge may direct, and in default that such person be committed to the Common Gaol of the County or District in which he resides for such period as the Judge may direct, or until he complies with the directions of the order, and may authorize the Sheriff of any County or District in which the same may be found to forthwith seize and take such accounts, money, books, papers, matters and things, and deliver the same to the persons to whom they have been directed to be delivered. *New.*

Repeal.

18. Chapter 16 of the Revised Statutes of Ontario, 1897, intituled "*An Act respecting Public Officers*" and all amendments thereto are repealed.

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## CHAPTER 6.

## An Act respecting the Office of Sheriff.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.	ATTENDANCE AT SITTINGS OF HIGH COURT, s. 27.
APPOINTMENT, s. 2.	APPOINTMENT OF COURT CRIER, s. 28.
SHERIFFS OF YORK AND TORONTO, s. 3-10.	FEES IN CASES NOT SPECIALLY PROVIDED FOR, s. 29.
OATH, s. 11.	DEMANDING FEES ON EXECUTIONS IN ADVANCE, s. 30.
SECURITY, s. 12.	APPLICATION BY SHERIFF FOR PAYMENT OF COSTS, s. 31.
SHERIFF NOT TO TRADE, s. 13.	ON SHERIFF'S DEATH, RESIGNATION OR REMOVAL, WHO TO ACT, s. 32.
SHERIFFS, ETC., NOT TO PURCHASE AT SALES UNDER EXECUTION, s. 14.	BOOKS, ETC., TO BE PROPERTY OF GOVERNMENT, s. 33.
MISCONDUCT OF CORONERS, BAILIFFS, ETC., IN EXECUTION OF WARRANT, s. 15.	PENALTY FOR NOT DELIVERING BOOKS TO SUCCESSOR, s. 34.
LIABILITY OF SHERIFF FOR ESCAPE, s. 16.	PROCEEDINGS ON APPOINTMENT OF NEW SHERIFF, ss. 35, 36.
FORFEITURE OF OFFICE FOR FALSE RETURN OF PROCESS, s. 17.	CONVEYANCES IN CASE OF DEATH, RESIGNATION OR REMOVAL, OF SHERIFF, s. 37.
ACTION AGAINST SHERIFF WHERE JURY REQUIRED, s. 18.	CONTINUATION OF ACTIONS, s. 38.
DUTY AS TO SERVICE AND RETURN OF PROCESS, ss. 19-21.	ALLOWANCES TO CERTAIN SHERIFFS, s. 39.
OFFICE HOURS, s. 22.	REPEAL, s. 40.
BOOKS OF OFFICE, s. 23, 25.	
RETURN OF FEES TO INSPECTOR OF LEGAL OFFICES, s. 24.	
SHERIFF TO MAKE QUARTERLY RETURNS OF FINES TO PROVINCIAL TREASURER, s. 26.	

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Sheriffs' Act.*"

Short Title.

2. The Lieutenant-Governor in Council may, by a commission under the Great Seal, appoint a Sheriff for each County and District. R.S.O. 1897, c. 17, s. 1.

Appointment of Sheriffs.

Separate  
Sheriffs for  
York and City  
of Toronto.

3.—(1) The Lieutenant-Governor in Council may, in manner aforesaid, appoint one person to be Sheriff of the County of York, and another to be Sheriff of the City of Toronto.

Lieutenant-  
Governor in  
Council may  
define duties.

(2) Subject to the provisions of section 5 the Lieutenant-Governor in Council may define what duties with reference to Courts held jointly for the City and County, including any duties to be performed under *The Jurors' Act*, shall be performed by the Sheriffs of the City and County respectively.

9 Edw. VII.,  
c. 34.

Act of one  
Sheriff not to  
be invalid on  
ground that it  
should have  
been done by  
the other.

(3) No act done by either of the said Sheriffs shall be held unlawful or invalid on the ground that the same should have been done by the other.

Jurisdiction of  
Sheriff of York  
in City of  
Toronto.

4. The Sheriff of the County of York shall have no jurisdiction within the City of Toronto, save as provided by this Act. R.S.O. 1897, c. 17, s. 3.

Division of  
duties, with  
reference to  
Courts—  
duties of  
Sheriff of York.

5.—(1) The Sheriff of the County of York shall perform the duties pertaining to the office of Sheriff with reference to the following courts held in the City of Toronto, that is to say, the Election Courts, the non-jury sittings of the High Court, the County Court of the County of York, the Court of General Sessions of the Peace, and the County Judge's Criminal Court.

Duties of  
Sheriff of  
Toronto.

(2) The Sheriff of the City of Toronto shall perform the duties pertaining to the office of Sheriff with reference to the Court of Appeal, Divisional Courts of the High Court, and the jury sittings of the High Court in Toronto. R.S.O. 1897, c. 17, s. 4 (1); 62 V. (2), c. 7, s. 4.

Fees and  
allowance in  
respect of ser-  
vices connect-  
ed with  
Courts.

6. The Sheriff of the County of York in respect of the Courts assigned to him shall be entitled to all fees and allowances payable to Sheriffs in respect of services connected with such Courts, including the removal to the Penitentiary of any prisoners sentenced thereto by such Courts; and the Sheriff of the City of Toronto shall in like manner be entitled, in respect of the Courts assigned to him, to the like fees and allowances for services connected with such Courts. R.S.O. 1897, c. 17, s. 5.

Control of  
gaol.

7. So long as there is but one gaol for the City of Toronto and the County of York, the Sheriff of the City of Toronto shall have control of the gaol. R.S.O. 1897, c. 17, s. 6.

Fees of Sheriff  
of York in  
respect of per-  
sons commit-  
ted to gaol.

8. The Sheriff of the County of York shall be entitled to the fees and allowances payable to sheriffs for services relating to prisoners and lunatics committed from the County of York outside the City of Toronto who may be confined in such gaol, or relating to any returns required to be made



made to the Inspector of Prisons and Public Charities in respect of any such prisoners or lunatics. R.S.O. 1897, c. 17, s. 7.

9. The Sheriff of the City of Toronto shall be entitled to the fees and allowances payable to sheriffs for services relating to the custody and control of the gaol, and of any city prisoners and lunatics confined therein, and relating to any returns required to be made in respect of such gaol, or of any city prisoners or lunatics confined therein. R.S.O. 1897, c. 17, s. 8.

Fees of Sheriff of Toronto in respect of persons committed to gaol.

10.—(1) When any part of the County of York is annexed to the City of Toronto, the Sheriff of the County of York shall forthwith transmit to the Sheriff of the City of Toronto a list of all writs of execution then in his hands not theretofore so transmitted, and shall in like manner transmit to the Sheriff of the City of Toronto notice of the renewal of any such writ and of any subsequent or supplemental writ in the same cause or matter.

Provisions as to executions, if further territory added to City of Toronto.

(2) If the Sheriff of the City of Toronto, upon search being made in his office for executions against the property of any person, finds that there is no such execution, but that the name of such person is included in any list so transmitted to him by the Sheriff of the County of York, he shall, upon request and without charge give a certificate stating that fact and that there is no such execution in his office. R.S.O. 1897, c. 17, s. 9.

Duty of Sheriff of Toronto.

11. Every Sheriff, before he enters upon the duties of his office, shall take and subscribe the oath of allegiance prescribed by *The Public Officers' Act*, and also the oath of office (Form 1), and shall not be required to take any other oath, except as hereinafter provided; and every such oath shall be filed in the office of the Clerk of the Peace. R.S.O. 1897, c. 17, s. 10.

Oaths to be taken on appointment. 9 Edw. VII., c. 5.

12.—(1) The Lieutenant-Governor in Council may fix and determine the amount of the security to be furnished on behalf of every Sheriff, but such amount shall not in any case be less than \$3,000. R.S.O. 1897, c. 17, s. 11, *part*.

Security.

(2) The security shall be furnished in accordance with the provisions of *The Public Officers' Act* and of any Order in Council made under the authority thereof, and within one month after the appointment of the Sheriff and before he is sworn into office. R.S.O. 1897, c. 17, s. 12 (2), *part*.

Application of 9 Edw. VII., c. 5.

(3) In case the security is not furnished within the said period, or within such further period as the Lieutenant-Governor in Council may prescribe, the Lieutenant-Governor

Revocation of appointment on failure to furnish.

error in Council may revoke the appointment of the Sheriff, and his appointment and commission shall be void from and after the date of such revocation. R.S.O. 1897, c. 17, s. 21.

Changes in boundaries of bailiwick not to affect security.

(4) The security shall not be affected, nor shall the surety be released wholly or in part from the obligation assumed by reason of any change by legislative authority or otherwise in the boundaries of the county, city or district for which the Sheriff was appointed, or by reason of any change in his duties. R.S.O. 1897, c. 17, s. 25. *Amended.*

Right to examine security.

(5) Any person may examine the security furnished on behalf of a Sheriff, and shall be entitled to take a copy thereof. R.S.O. 1897, c. 17, s. 26.

Action against surety.

(6) His Majesty, or any person sustaining damage by reason of the default or misconduct of a Sheriff, in addition to any right of action against the Sheriff, may bring and maintain an action against the surety alone, and the action shall not be barred by reason of a prior recovery by the same person upon the same security or by reason of a judgment rendered for the defendant in a prior action upon the same security or by reason of any other action being then pending upon the security at the suit of the same plaintiff or any other person for any other distinct cause of action; provided that if the plaintiff has recovered damages in an action against the Sheriff for any such default or misconduct and the amount recovered or any part thereof has been paid to the plaintiff, no action shall lie against the surety for the same cause, except for any amount so recovered and remaining unpaid. R.S.O. 1897, c. 17, s. 28.

Proviso.

Judgment for balance of amount of security where surety has already been held liable.

(7) If upon the trial of an action brought against a surety it appears that the plaintiff is entitled to recover, and that the amount which the surety has paid or has become liable to pay under a judgment recovered against him is not equal to the full amount of the security, the Court, after deducting from the full amount the sum which the surety has paid or become liable to pay as aforesaid, shall render judgment against the surety for any sum not exceeding the balance of the sum for which he became surety. R.S.O. 1897, c. 17, s. 29.

Discharge of surety on payment of full amount.

(8) If the surety has actually and *bona fide* paid out of his own moneys or effects, or has become liable by virtue of a judgment recovered upon the security to pay an amount equal to the amount specified therein the security shall be deemed to be discharged and satisfied, and no other or further sum shall be recovered thereunder. R.S.O. 1897, c. 17, s. 30.

Staying of further proceedings against surety.

(9) The Court in which an action on the security is pending, upon proof of such payment or liability, and at any

any stage of the action, may in a summary manner prevent the recovery against the surety of any further sum than that specified in the security. R.S.O. 1897, c. 17, s. 31.

(10) The security shall extend to the acts and omissions of the deputy of the Sheriff, and, in case of a vacancy in the office of Sheriff by death, resignation or otherwise, the security shall continue and be enforceable with respect to any act or omission of the Deputy Sheriff or of a Sheriff *pro tempore* acting in pursuance of the provisions of this Act or of any Deputy Sheriff appointed by such Sheriff *pro tempore*, in pursuance of the provisions of this Act. R.S.O. 1897, c. 17, s. 55.

Security to extend to acts or omissions of deputy or Sheriff *pro tem.*

13. A Sheriff or Deputy Sheriff shall not, directly or indirectly, keep a shop, or trade or traffic in goods, wares, or merchandise, either by wholesale or retail. R.S.O. 1897, c. 17, s. 34.

Sheriff, etc., not to trade.

14. A Sheriff, Deputy Sheriff, Coroner, Elisor, Bailiff or Constable shall not, directly or indirectly, purchase any goods or chattels, lands or tenements by him exposed to sale under legal process. R.S.O. 1897, c. 17, s. 35.

Sheriff, etc., not to purchase at sales under execution.

15. Every Coroner, Elisor, Bailiff or Constable entrusted with the execution of any writ, warrant or process who wilfully misconducts himself in the execution of the same, or wilfully makes any false return to such writ, warrant or process, unless by the consent of the party in whose favour the same may have issued, shall incur a penalty not exceeding \$200, recoverable upon summary conviction, and shall be liable to imprisonment for a period not exceeding six months, and shall answer in damages to any person aggrieved by such misconduct or false return. R.S.O. 1897, c. 17, s. 36. See 7 Edw. VII. c. 26, s. 2.

Misconduct of Coroner, Elisor, Bailiff or Constable.

Damages.

16. If a debtor in execution escapes out of legal custody the Sheriff, Bailiff, or other person having the custody of such debtor, shall be liable only to an action for the damages sustained by the person at whose suit the debtor was taken or imprisoned, and shall not be liable to any other action in consequence of his escape. R.S.O. 1897, c. 17, s. 38.

Liability of Sheriff, etc., for escape.

17. A Sheriff who wilfully makes any false return to any process directed to him and placed in his hands for execution, unless by consent of both parties to the same, shall be liable to forfeit his office. R.S.O. 1897, c. 17, s. 39.

Forfeiture of office for false return.

18. Where an action is brought against a Sheriff and a party thereto requires it to be tried by a Jury the trial shall take place in such county as the Court or a Judge may direct. *New.*

Action against Sheriff where Jury required.

Endorsement  
of receipt of  
process; non-  
service; re-  
delivery to  
plaintiff; costs  
of service.

19. Upon the delivery of a writ of summons at the office of a Sheriff, to be served by him, he, or his Deputy or Clerk, shall endorse thereon the time when it was so delivered; and in case the writ is not fully and completely served within ten days after the delivery, the plaintiff shall be entitled to receive back the same; and the Sheriff, Deputy Sheriff or Clerk shall endorse thereon the time of the delivery back; and the cost of the mileage and service of the writ by a literate person afterwards, if the person to be served was at any time during the ten days within the County, shall be allowed in the taxation of costs, as if the service had been by the Sheriff or his officer. R.S.O. 1897, c. 17, s. 40.

Failure by  
Sheriff to re-  
deliver.

20. If the Sheriff, being applied to, does not return the writ, after the expiration of the ten days, the plaintiff may issue a duplicate or concurrent writ on the *præcipe* already filed, and the costs of the first or other writ not returned may be charged against and recovered from the Sheriff by the plaintiff. R.S.O. 1897, c. 17, s. 41.

Certificate as  
to execution.

21.—(1) Where, for the purpose of investigating or establishing some title to land, a certificate respecting executions against lands is required from a Sheriff, the Sheriff if so requested, shall include in one certificate any number of names in respect of which the certificate may be required in the same matter or investigation.

Sheriff to  
include cer-  
tificates under  
9 Edw. VII.,  
c. 48.

(2) The Sheriff shall, in such certificate, include all certificates of proof of claims under *The Creditors Relief Act* which may be in his hands affecting lands.

Fees.

(3) The maximum fees payable to a Sheriff in respect to such certificate shall be \$4. R.S.O. 1897, c. 17, s. 42.

Office hours  
of Sheriffs.

22. Subject to Rules of Court the Sheriff shall, except upon legal holidays and during the Long Vacation, keep his office open every day from 10 o'clock in the forenoon until 4 o'clock in the afternoon, and during all that time he or his deputy or some competent person shall be present to transact the business of the office; and during the Long Vacation the Sheriff or his deputy or clerk shall be present in his office on every day, legal holidays excepted, from 10 o'clock in the forenoon until 1 o'clock in the afternoon. Provided that the Sheriffs of the City of Toronto and of the Counties of Carleton and York, or their respective deputies or clerks, shall only be required to be present in their offices, for the transaction of business on every Saturday, not being a holiday, from 10 o'clock in the forenoon until 1 o'clock in the afternoon, and provided also that when the office of a Sheriff may be closed under this section at 1 o'clock in the afternoon, the Sheriff or his deputy shall nevertheless, upon application

in Long  
Vacation.

Provisions to  
Toronto and  
York.

made

made to him, transact all necessary and urgent business of his office in the same manner and to the same extent as on days upon which the office is required to be kept open until 4 o'clock. R.S.O. 1897, c. 17, s. 43. 8 Edw. VII. c. 7, s. 1. Urgent business.

23. The Sheriff shall keep in his office the following books, Certain books to be kept in Sheriff's office.

- (a) Process Books—in which shall be entered a memorandum of every process other than writs of execution, or writs in the nature of writs of execution, received by him, the Court out of which the same issued, the date of the receipt, the nature of the process, the names of the parties thereto, the solicitor by whom issued, what was done thereunder or therewith and the date and the nature of the return made thereto; Process Books.
- (b) Execution Books—in which shall be entered a memorandum of every writ of execution, or writ in the nature of a writ of execution received by him, the Court out of which the same issued, the date of the receipt, the nature of the process, the names of the parties thereto, the solicitor by whom issued, what was done thereunder or therewith and the date and the nature of the return made thereto, or what was done thereunder or therewith; and Execution Books.
- (c) A Cash Book—in which shall be entered all moneys received or paid by the Sheriff in his official capacity, or in connection with his office, for any service whatever, for fees, poundage, service of process and papers, attendance at Courts, moneys levied or collected under execution, or under writs in the nature of writs of execution or otherwise, the date of the receipt or payment and the cause, matter or service in, or on account of which the same was received or paid. R.S.O. 1897, c. 17, s. 44. Cash Books.
- (d) A separate book, in which shall be entered from day to day all fees and emoluments received by him, by virtue of his office, and the several amounts disbursed by him, in carrying on the work of his office. Sheriff to keep an account of his fees.
- (e) Such other books as the Lieutenant-Governor in Council may require. R.S.O. 1897, c. 17, s. 45, *part*. Other books.

Return of fees  
to Inspector of  
Legal Offices.

24. The Sheriff shall, on or before the 15th day of January in every year, make, to the Inspector of Legal Offices, a return, under oath, of the aggregate amount of the fees and emoluments received by him, and of his disbursements, during the previous year, up to and inclusive of the 31st day of December. R.S.O. 1897, c. 17, s. 45.

Books to be  
paid for by  
county.

25. The Sheriff shall procure the books mentioned in section 23, and the cost thereof shall be paid by the city or county of which he is Sheriff. R.S.O. 1897, c. 17, s. 46.

Sheriff to  
make quarter-  
ly returns of  
fines, etc.

26. The Sheriff shall quarterly and within twenty days after the expiration of each quarterly period, transmit to the Treasurer of the Province and to the Inspector of Legal Offices a just, true, and faithful account, verified upon oath, of all fines, penalties, and forfeitures which he has been required to levy and make by any lawful authority, and of the receipt and application of the same, or the reason why the same have not been received and applied; and he shall pay over to the proper officer or to the person lawfully entitled to receive the same, the several sums collected by him, within twenty days next after the period within which the same have been collected; and every Sheriff neglecting or refusing to transmit such quarterly account, or to pay over any money so collected by him, within the time hereby prescribed, shall incur the like penalty and may be sued for the same in the same manner, as is provided with regard to Justices of the Peace neglecting or refusing to make the returns required by *The Act respecting Returns of Convictions and Fines by Justices of the Peace*. R.S.O. 1897, c. 17, s. 47.

and pay over  
moneys.

Penalty for  
neglect.

Rev. Stat.  
c. 93.

Duty of Sher-  
iff as regards  
sittings of  
High Court.

27. The Sheriff shall give his attendance upon the Judges for the maintenance of good order in His Majesty's Courts, and for the doing and executing of all other things to the office of Sheriff in such case appertaining. R.S.O. 1897, c. 17, s. 48.

#### SHERIFF TO APPOINT CONSTABLES AND CRIER.

Appointment  
of Court Crier  
and Con-  
stables.

28. The Sheriff shall have the appointment and control of the Court crier and of the constables at the sittings of the High Court, the County Court, the Court of General Sessions of the Peace and other Courts at which the attendance of the Sheriff is required. R.S.O. 1897, c. 17, s. 49.

#### PAYMENT OF SHERIFFS' COSTS.

Fees of Sheriff  
when acting  
under order of  
judge.

29. Where a Sheriff is directed by the Court to perform any service or do any act for which no fee is provided the Sheriff may be allowed such fee as the Court may think

fit,

fit, and the same shall be payable as the Court may direct.  
62 V. (2), c. 7, s. 6.

30. The Sheriff may at the time of the delivery demand from any person delivering a process or attachment to him to be executed, the fees allowed to him by the tariff for receiving the writ or order and for warrant and return, and a reasonable sum for mileage and the fees and mileage so paid shall, if afterwards collected from the debtor, be repaid by the Sheriff to the person who issued such process or attachment. 62 Vic. (2), c. 7, s. 2.

Demanding fees on executions in advance.

31.—(1) After the expiration of one month from the service of his bill of costs, fees and expenses against a solicitor, the Sheriff may serve the solicitor with a notice of an application to the High Court or a Judge thereof, or to a Judge of a County or District Court, returnable not earlier than eight days from the day of service, for payment of the amount of the bill; and the amount claimed shall be stated in the notice. R.S.O. 1897, c. 17, s. 50.

Sheriffs before action for fees may serve notice of application to the Court for payment.

(2) On the return of the notice, the Court or Judge may, without a reference, direct the payment to the Sheriff of the amount of his demand, or of any less amount, either without costs, or with costs to be fixed by an order or to be taxed; or the Court or Judge may order the bill and the demand thereon to be taxed by the proper officer, and may direct that the officer shall tax to the party entitled thereto his costs of the reference, and may also direct that the Sheriff and the solicitor shall respectively pay what may be found due to the other upon the conclusion of the reference and taxation; and the Court or Judge making the reference shall restrain the bringing of any action pending the reference; and in case the order of reference does not make provision in this behalf, the officer named in the order of reference may, in his discretion, having regard to the matters in dispute between the parties and occasioning the costs, tax the costs of the order and reference, or any part thereof, in favour of either party, or may disallow any part thereof. R.S.O. 1897, c. 17, s. 51.

Power of the Court or Judge and proceedings on return of the notice.

(3) At the expiration of eight days from the date of the order or of the certificate of the taxing officer, as the case may be, the party entitled to payment may sue out a writ of execution for the amount ordered or certified to be payable to him. R.S.O. 1897, c. 17, s. 52.

Execution for amount payable.

#### DEATH, ETC., OF SHERIFF.

32.—(1) If the Sheriff dies, or his resignation is accepted, or he is removed from office, the Deputy Sheriff shall continue the office of Sheriff and execute the same and all things appertaining thereto in the name of the Sheriff so dying,

Deputy Sheriff to continue office of Sheriff in case of death or resignation.



Obligation of  
sureties in  
such cases.

dying, resigning or removed, until another Sheriff has been appointed and sworn into office; and the Deputy Sheriff shall be answerable for the execution of the office during such interval as the Sheriff would by law have been, if he had been living or had continued in office, and the security given to the Sheriff by the Deputy Sheriff, and his pledges, as well as the security furnished on behalf of the Sheriff, shall remain and be a security to His Majesty and to all persons whomsoever for the performance by the Deputy Sheriff of the duties of the office during such interval. R.S.O. 1897, c. 17, s. 53.

Where vacancies occur in office of Sheriff and there is no Deputy Crown Attorney to act.

(2) If there is no Deputy Sheriff, the Crown Attorney for the city, county or district, as the case may be, shall be the Sheriff *pro tempore* until another person is appointed Sheriff, and the Crown Attorney on becoming Sheriff *pro tempore* may appoint a Deputy Sheriff, and shall do and perform every other act, matter or thing necessary for the execution of the office. R.S.O. 1897, c. 17, s. 54.

Temporary officer to be responsible.

(3) During such interval the Sheriff *pro tempore* shall be answerable for the execution of the office, as the Sheriff would by law have been if he had been living or had continued in office, and any security given by or furnished on behalf of the Sheriff since the 16th day of April, 1895, or hereafter furnished on behalf of a Sheriff so afterwards dying, resigning or removed shall be a security to His Majesty, and to all persons whomsoever, for the performance of the duties of the office by the Sheriff *pro tempore* and his deputy. R.S.O. 1897, c. 17, s. 55.

All books, etc. to be the property of the Government.

33. All books, accounts, records, papers, writs, warrants, process, moneys and other matters and things in the possession or under the control of a Sheriff by virtue of, or appertaining to his office, shall be the property of His Majesty, and the same upon the death, resignation or removal from office of the Sheriff shall, by the person in whose possession or control they may happen to be or may come, be immediately handed over to and shall be taken possession of by the successor in office of the Sheriff, or such person as the Lieutenant-Governor in Council may appoint to receive the same. R.S.O. 1897, c. 17, s. 56.

No one but the succeeding Sheriff to hold books, etc., no pain of fine and imprisonment.

34. No person, except the successor in office of the Sheriff so dying, resigning or removed, or the person appointed by the Lieutenant-Governor in Council as aforesaid, shall take, have or hold such books accounts, records, papers, writs, warrants, process, moneys, or other matters or things; and any person having or holding any of them shall forthwith on demand deliver over the same to the succeeding Sheriff, or to the person appointed as aforesaid; and, upon default the offender shall incur a penalty of not less than \$10, nor more than \$50, besides costs, for every day's default, recoverable on summary conviction and

Penalty.



and shall also be liable to imprisonment for a period not exceeding three months, unless the penalty and costs are sooner paid. R.S.O. 1897, c. 17, s. 57.

35.—(1) Upon the removal of a Sheriff from office or upon his resignation and the appointment of his successor, the outgoing Sheriff, or, in the event of the death of a Sheriff, the Deputy Sheriff or Sheriff *pro tempore* shall forthwith make out and deliver to the incoming Sheriff a true and correct list and account, under his hand, of all prisoners in his custody, and of all writs and process in his hands not wholly executed by him, with all such particulars as shall be necessary to explain to the incoming Sheriff the matters intended to be transferred to him, and shall thereupon hand over and transfer to the care and custody of the incoming Sheriff all such prisoners, writs and process, and all records, books and matters appertaining to the office of Sheriff.

Proceedings on removal, etc., of Sheriff. Duty of outgoing Sheriff.

(2) The incoming Sheriff shall thereupon sign and deliver a duplicate of the list and account to the outgoing Sheriff, or to the Deputy Sheriff, or Sheriff *pro tempore*, to whom the same shall be a good and sufficient discharge for all the prisoners therein mentioned, and transferred to the incoming Sheriff, and from the further charge of the execution of the writs and process mentioned therein, without any writ of discharge or other writ whatsoever, and the incoming Sheriff shall thereupon stand and be fully and effectually charged with the prisoners, and with the execution and care of the writs and process mentioned in the list and account.

Duty of incoming Sheriff.

(3) If the outgoing Sheriff, or, the Deputy Sheriff or the Sheriff *pro tempore* refuses or neglects to make out, sign and deliver the list and account, and to hand over the writs and process in manner aforesaid, he shall be liable to any person aggrieved for the damages and costs sustained by such neglect or refusal. R.S.O. 1897, c. 17, s. 58.

Penalty.

36. A Sheriff, after resigning or being removed or in case of the death of a Sheriff, his heirs, executors or administrators, shall, at all times, have the right, free of charge, to have access to, and to search and examine into all accounts, books, papers, writs, warrants and process of whatever kind, and all other matters and things which were in his possession before his death, resignation or removal, and which, at the time of making or requiring to make such search or examination, are in the possession or control of the succeeding Sheriff, or the then Sheriff of the city, county or district. R.S.O. 1897, c. 17, s. 59.

Sheriffs resigning, etc., may examine and inspect books, etc.

37. In case of the death, resignation or removal from office of a Sheriff, or of a Deputy Sheriff while there is no Sheriff, or of a Sheriff *pro tempore*, after he has made a sale of

Conveyances in case of death, etc., of Sheriff who has sold lands.

of

of lands, but before he has made the deed of conveyance of the same to the purchaser, and whether the sale was under an execution or for arrears of taxes the deed of conveyance shall be made to the purchaser by the Sheriff, or by the Deputy Sheriff who is in office acting as Sheriff, or by the Sheriff *pro tempore*, at the time when the deed of conveyance is made. R.S.O. 1897, c. 17, s. 60.

Continuation  
of actions after  
death, etc., of  
Sheriff.

38. In case of the death, resignation or removal from office of a Sheriff after action brought by him as Sheriff, the action may be continued in the name of his successor, to whom the benefit of all securities given to the Sheriff in his official capacity shall enure. R.S.O. 1897, c. 17, s. 61.

Amount re-  
quired to  
make up Sher-  
riff's income  
to \$1,000.

39. Where it appears by a return to the Lieutenant-Governor or to any department of the Government that in any year a Sheriff not paid wholly or in part by salary, has derived from the fees and emoluments of his office, after deducting necessary disbursements, an income which does not exceed the sum of \$1,200, there may, on the report of the Inspector of Legal Offices be paid to such Sheriff an amount sufficient to make up the income for the year to \$1,200, if the Lieutenant-Governor in Council so directs. 9 Edw. VII. c. 12, s. 5.

*As to Protection of Sheriff from damages for acts done by virtue of his office, see R.S.O. c. 88.*

Repeal.

40. Chapter 17 of the Revised Statutes of Ontario, 1897, (excepting subsections 2 and 3 of section 2) and all amendments to the said Act are hereby repealed.

#### FORM 1.

(Section 11.)

#### OATH OF OFFICE.

I, A. B., of \_\_\_\_\_, in the County (or District) of \_\_\_\_\_, Esquire, having been appointed Sheriff of \_\_\_\_\_, swear that I will well, truly and faithfully perform and execute all the duties required of me by law, appertaining to the office of Sheriff, so long as I continue therein, and that I have not given or promised directly or indirectly, or authorized any person to give or promise any money, gratuity or reward whatsoever for procuring the said office for me.

A. B.

Sworn before me at \_\_\_\_\_, in the County \_\_\_\_\_  
of \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
C. D., }

A Commissioner, etc.

R.S.O. 1897, c. 17, Sched. A  
CHAPTER

## CHAPTER 7.

## An Act respecting the Publication of Official Notices.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Official Notices Publication Act.*" Short title.

2.—(1) Unless some other mode of publication is required by law, the following notices shall be published in the *Ontario Gazette*:— Certain notices to be published in *Ontario Gazette*.

(a) All proclamations issued by the Lieutenant-Governor or under the authority of the Lieutenant-Governor in Council, and all official notices, orders in Council, regulations, advertisements and documents relating to Ontario or matters under the control of the Legislature thereof and requiring publication. (*New.*) See R.S.C., 1906, c. 80, s. 33;

(b) All advertisements, notices and publications which are required to be given by the Crown or by any Department of the Government or by a Sheriff or by any municipal authority or by any officer or person whomsoever. R.S.O., 1897, c. 20, s. 1, *part.*

(2) If in any Act of the late Province of Upper Canada or of the late Province of Canada, in force in Ontario, and being within the authority of the Legislature of Ontario, any notice is directed to be given in the *Upper Canada Gazette* or in the *Canada Gazette*, the same shall be given in the *Ontario Gazette*. R.S.O. 1897, c. 20, s. 1, *part.*

Publication of  
legal and official advertisements.

3. Where Sheriff's advertisements or other legal or official advertisements (except advertisements of which the whole expense is payable by a municipal corporation), are required to be published in a newspaper other than the *Ontario Gazette*, they shall be published in such newspaper as the Lieutenant-Governor in Council may direct. R.S.O. 1897, c. 20, s. 2.

Tenders to be  
made for  
publication  
of advertisements  
paid for  
by counties.

4. Tenders for the publication of legal and official advertisements of which the whole expense is payable by the County shall be publicly advertised for by the Council, subject to such conditions as to circulation and other matters as the Council may think just, and the contract shall be given to the newspaper making the lowest tender published within the county. R.S.O. 1897, c. 20, s. 3.

Repeal.

5. Chapter 20 of the Revised Statutes of Ontario, 1897, is repealed.

## CHAPTER 8.

## An Act for Raising Money on the Credit of the Consolidated Revenue Fund of Ontario.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding three million five hundred thousand dollars (\$3,500,000) for any or all of the purposes following, that is to say: for the public service; for works carried on by Commissioners on behalf of the Province; for the covering of any debt of the Province on open account; for paying any floating indebtedness of the Province, and for the carrying on of the public works authorized by the Legislature.

Loan of  
\$3,500,000  
authorized.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at a rate not exceeding four per centum per annum, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Term and rate  
of loan.

3. All bonds and inscribed stock issued under the authority of this Act shall be free from all provincial taxes, succession duty, charges and impositions whatsoever.

Bonds and  
stock for loan  
to be free of  
Provincial  
taxes.

4. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum on the amount of such debentures or stock, as specified in subsection 2 of section 4 of *The Provincial Loans Act*.

Sinking fund.

8 Edw. VII.,  
c. 12.

## CHAPTER 9.

## An Act respecting the Public Revenue.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

REVENUE OFFICERS, s. 3.

COLLECTION OF THE REVENUE—

Officers, s. 4.

Salaries to be in lieu of fees,  
s. 5.

Oath of office, s. 6.

Regulations, s. 7.

Employment of officers, s. 8.

Officers employed in one  
branch may be employed in  
another, s. 9.

Office hours, etc., s. 10.

Holidays, s. 11.

Statistics, s. 12.

Mode of payment of public  
money, ss. 13, 14.

LIABILITY OF REVENUE OFFICERS—

Neglect to transmit accounts,  
s. 15.Neglect to pay over moneys,  
ss. 16-18.Loss of public money by mal-  
feasance or gross neglect,  
s. 19.Unapplied public money to be  
returned to Treasurer, s. 20.Penalties for taking or offer-  
ing fees, s. 21.

Property in books, etc., s. 22.

Other remedies of the Crown  
unimpaired, s. 23.

Repeal, s. 24.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

Short Title.

1. This Act may be cited as "*The Public Revenue Act.*"Interpreta-  
tion.2. In this Act the word "Revenue" shall mean and  
include all Provincial Revenue and all public moneys aris-  
ing from any source whatsoever. R.S.O. 1897, c. 22, s. 1.Revenue Offi-  
cers.3. Every person whose duty it is to receive moneys  
forming part of the Revenue, or who is entrusted with the  
custody or expenditure of such moneys although not regu-  
larly employed in collecting or managing the same, shall,  
in respect thereto, be subject to the provisions of this Act.  
R.S.O. 1897, c. 22, s. 2.

## COLLECTION AND MANAGEMENT OF THE REVENUE.

4. The Lieutenant-Governor in Council may determine what persons it is necessary to employ in collecting or managing the Revenue, and in carrying into effect the laws relating thereto, and for preventing any contravention of such laws, and may assign their names of office, and grant, out of any money appropriated for that purpose by the Legislature, to such persons such salaries or remuneration as to the Lieutenant-Governor in Council may seem proper. R.S.O. 1897, c. 22, s. 3.

Lieut.-Governor in Council shall determine what officers are necessary, and fix their salaries.

5.—(1) Except where otherwise provided by law, the salary or remuneration allowed to any such person shall be in lieu of all fees, allowances or emoluments, except actual and authorized disbursements.

Salaries to be in lieu of all other emoluments.

(2) No such person, receiving a salary at or exceeding the rate of \$1,000 per annum, shall exercise any other calling, profession, trade or employment whatsoever with a view to derive profit therefrom, directly or indirectly, or shall hold any other office of profit whatsoever, except an office relating to the collection or management of the Revenue, held by such person with the permission of the Lieutenant-Governor in Council. R.S.O. 1897, c. 22, s. 4.

Officer receiving \$1,000 per annum not to follow any other occupation.

6. Every person appointed to any office or employment relating to the collection or management of the Revenue, on his admission to such office or employment, shall take, before such officer as the Lieutenant-Governor may appoint, the following oath:—

Officers to take an oath of office.

"I, A. B., do swear to be true and faithful in the execution, to the best of my knowledge and power, of the trust committed to my charge by my appointment as \_\_\_\_\_, and that I will not require, take or receive any fee, perquisite, gratuity or reward, whether pecuniary or of any other sort or description whatsoever either directly or indirectly, for any service, act, duty, matter or thing done or performed or to be done or performed in the execution or discharge of any of the duties of my office or employment, on any account whatsoever, other than my salary, or what shall be allowed me by law; So help me God."

The oath.

R.S.O. 1897, c. 22, s. 6.

7. The Lieutenant-Governor in Council may make such divisions of the Province into districts or otherwise as are required with regard to the collection or management of the Revenue, and may assign the officers or persons by whom any duty or service relating to such purpose shall be performed within or for such district or division, and the place or places where such duty or service shall be performed, and may make all such regulations concerning such officers and persons, and the conduct and management of the business to them entrusted, as he may deem expedient. R.S.O. 1897, c. 22, s. 7.

Lieutenant-Governor in Council may divide Province into Revenue Divisions.

Persons employed with the concurrence of the Lieut.-Governor in Council to be deemed the proper officers.

8.—(1) A person employed on any duty or service relating to the collection or management of the Revenue, by the order or with the concurrence of the Lieutenant-Governor in Council, (whether previously or subsequently expressed), shall be deemed to be the proper officer for that duty or service; and every act, matter or thing required by any law to be done or performed by, to or with any particular officer nominated for that purpose in such law, being done or performed by, to or with any person appointed or authorized by the Lieutenant-Governor in Council to act for or in behalf of such particular officer, shall be deemed to be done or performed by, to or with him.

Place for performance of acts required by law.

(2) Every act, matter or thing required by law to be done at any particular place within any district or division of Ontario, being done at any place within such district or division, appointed by the Lieutenant-Governor in Council for the purpose, shall be deemed to be done at the particular place so required. R.S.O. 1897, c. 22, s. 8.

Officers employed in one branch may be employed in another.

9. An officer or person employed in the collection, management or accounting for any branch of the Revenue may be employed in the collection, management or accounting for any other branch thereof. R.S.O. 1897, c. 22, s. 9.

Hours of office and seasons for certain business, how appointed.

10. The Lieutenant-Governor in Council may appoint the hours of general attendance of the officers and persons employed in the collection or management of the Revenue at their proper offices and places of employment; and may also appoint the times during such hours, or the seasons of the year, at which any particular parts of the duties of such officers or other persons shall be performed by them respectively; and a notice of the hours of general attendance so appointed shall be kept constantly posted up in some conspicuous place in such offices or places of employment. R.S.O. 1897, c. 22, s. 10.

Offices may be closed on holidays.

11. No officer employed in the collection of the Revenue shall be required to keep his office open on any holiday. R.S.O. 1897, c. 22, s. 11.

Lieutenant-Governor in Council may direct accounts to be kept.

12. The Lieutenant-Governor in Council may direct any person employed in collecting or managing the Revenue to keep such books or accounts as he may deem advisable, and may allow any necessary expense incurred for the purpose. R.S.O. 1897, c. 22, s. 12.

Public money to be paid to credit of the Treasurer.

13. All public moneys, from whatsoever source derived, and all moneys forming part of special funds administered by the Government, shall be paid to the credit of the Treasurer



Treasurer of the Province in such manner as the Lieutenant-Governor in Council may direct. R.S.O. 1897, c. 22, s. 13.

14. The Lieutenant-Governor in Council may appoint the times and mode in which any person employed in the collection or management of the Revenue shall account for and pay over the moneys which come into his hands to the person appointed to receive the same. R.S.O. 1897, c. 22, s. 14.

Lieutenant-Governor in Council to appoint the mode and times in which moneys shall be accounted for and paid over.

#### LIABILITY OF PUBLIC ACCOUNTANTS AND REVENUE OFFICERS.

15. If any person refuses or neglects to transmit any account, statement or return, with the proper vouchers, to the proper officer or department on or before the day appointed for the transmission thereof, such person shall for such refusal or neglect forfeit and pay to the Crown, for the public uses of Ontario, \$100, and in an action for the recovery of such sum it shall be sufficient to prove that such account, statement or return ought to have been transmitted by the defendant, and the onus of proving that the same was so transmitted shall rest upon him. R.S.O. 1897, c. 22, s. 15.

Penalty for not transmitting accounts.

Proof in action for recovery of penalty.

16.—(1) Where the Treasurer has reason to believe that any person has received money for the Crown, or for which he is accountable to the Crown, or has in his hands public money applicable to any purpose, and has not paid over or duly applied and accounted for the same, he may give notice to such person, or to his personal representative in case of his death, requiring him within a time to be therein named, to pay over, apply and account for such money to the Treasurer, or to the officer mentioned in the notice, and to transmit the proper vouchers that he has so done.

Notice to persons neglecting to pay over money received for public purposes.

(2) The notice may be served by delivering a copy to the person to whom it is addressed, or by leaving it for him at his usual place of abode. R.S.O. 1897, c. 22, s. 16.

Service of notice.

17. If any person fails to pay over, apply or account for such money, and to transmit the vouchers within the time limited by the notice, the Treasurer may state an account as between such person and the Crown in the matter to which the notice relates, charging interest from the service, or from any earlier date from which interest may be payable, and shall deliver a copy thereof to the Attorney-General, and such copy shall be *prima facie* evidence to support an information or other proceeding for the recovery of the amount therein shewn to be in the hands of the defendant as a debt due to the Crown. R.S.O. 1897, c. 22, s. 17.

Proceedings against persons refusing to comply with notice.

Proceedings  
against persons  
transmitting  
accounts with-  
out vouchers.

18. Where such person has transmitted an account either before or after the notice, but without vouchers or with insufficient vouchers for any sum for which he therein takes credit, the Treasurer may give notice in the manner provided by section 16, to transmit vouchers, or sufficient vouchers within a time to be named in the notice; and if the vouchers are not transmitted within that time, the Treasurer may state an account against such person disregarding the sums for which he has taken credit, but for which he has transmitted no vouchers or insufficient vouchers, and may deliver a copy of the account to the Attorney-General, and the copy may be used in the same manner and with the same effect as the copy mentioned in the last preceding section. R.S.O. 1897, c. 22, s. 18.

Responsibility  
for losses  
arising from  
malfeasance  
or gross  
neglect, etc.

19. If by reason of malfeasance or gross carelessness or neglect of duty by any person employed in the collection or management of the Revenue a sum of money is lost to the Crown, such officer or person shall be accountable therefor as if he had collected and received the same. R.S.O. 1897, c. 22, s. 20.

Unapplied  
public money  
to be payable  
back to the  
Treasurer on  
demand.

20. If any person has received public money for the purpose of applying it to a specific purpose, and has not so applied it within the time or in the manner provided by law, he shall be deemed to have received such money for the Crown for the public uses of Ontario, and may be notified by the Treasurer to repay such sum to him, and the same may be recovered as a debt due to the Crown, and an equal sum out of the Consolidated Revenue Fund may in the meantime be applied to the purpose to which such sum ought to have been applied. R.S.O., 1897, c. 22, s. 21.

Recovery, if  
not so paid.

No officer to  
take any fee,  
etc., on pain  
of dismissal.

21. If a person acting in any office or employment connected with the collection or management of the Revenue takes or receives, directly or indirectly, any fee, perquisite, gratuity or reward, whether pecuniary or of any other description, from any person (not being a person authorized to pay or allow the same), on account of anything done by him in any way relating to his office or employment, except such as he receives by order or with the permission of the Lieutenant-Governor in Council, he may be dismissed from his office or employment; and if any person (not being authorized to pay or allow the same) gives, offers or promises any such fee, perquisite, gratuity, or reward, he shall, for every such offence, incur a penalty of \$400. R.S.O. 1897, c. 22, s. 22.

Penalty on  
persons offer-  
ing fees, etc.

22. All books, papers, accounts and documents by whomsoever the paper and materials thereof were procured, furnished or paid for, kept by or used or received or taken into the possession of any person employed or having been employed in the collection or management of the Revenue, by virtue of his employment, shall be deemed to be chattels belonging to the Crown; and all moneys or valuable securities received or taken into his possession by virtue of his employment shall be deemed to be moneys and valuable securities belonging to the Crown. R.S.O. 1897, c. 22, s. 23.

All books, etc., used in the collection and the management of the revenue to be the property of His Majesty.

23. Nothing in this Act, nor any conviction for the contravention thereof, shall affect any remedy which the Crown by virtue of any other Act or law has for recovering or enforcing the payment or delivering of any money or property belonging to the Crown, and in the possession of any person, nor any remedy which His Majesty or any person has against the offender or his sureties, or against any other person; but the conviction of the offender shall not be received in evidence in any action against him. R.S.O. 1897, c. 22, s. 24.

Nothing in this Act to impair other remedies of the Crown.

24. Chapter 22 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed.

Repeal.

## CHAPTER 10.

## An Act to amend The Audit Act.

*Assented to 29th March, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

8 Edw. VII, c. 9, s. 3, repealed.     **1.** Section 3 of *The Audit Act* is repealed and the following is substituted therefor:

Auditor, appointment and salary.

**3.** The Lieutenant-Governor in Council may appoint an officer to be called the Auditor, who shall be paid a salary of \$3,500 per annum, which shall be charged to and be paid out of The Consolidated Revenue Fund.

8 Edw. VII, c. 9, s. 10, subs. 1, amended.     **2.** Subsection 1 of section 10 of *The Audit Act* is amended by inserting after the word "shall" in the first line of the said subsection the words, "subject to the exceptions hereinafter mentioned."

8 Edw. VII, c. 9, s. 13, subs. 1, amended.     **3.** Clause *c* of subsection 1 of section 13 of *The Audit Act* is repealed and the following is substituted therefor:

Reference to Treasury Board

(*c*) When the Auditor has for any reason refused to certify that a cheque may issue, the Department making requisition for the cheque shall notify him that the matter will be referred to the Treasury Board and thereupon the correspondence in the case together with a memorandum stating:

- i. The purpose for which the expenditure is required;
- ii. The appropriation to which the expenditure is chargeable;
- iii. The objections taken by the Auditor;
- iv. The answers to such objections

shall be submitted by the Minister in charge of the Department to the Treasury Board and the Board may determine

determine as to the sufficiency of the Auditor's objections, and may in their discretion order the issue of the cheque and the Auditor shall countersign it.

4. *The Audit Act* is amended by inserting the following section therein: 8 Edw. VII, c. 9, amended.

17a. Where the account of any official for transportation, travelling and incidental expenses does not exceed the sum of \$100, such account may be certified by the Minister, or Acting Minister, to whose Department such official belongs, and when so certified shall be sufficient authority for the issuing of a cheque by the Treasurer of the Province for the amount thereof, and the Auditor shall countersign such cheque, and shall also countersign all cheques issued under the authority of section 17 of this Act, and a statement giving a list of such certificates shall be published in the public accounts for the year. Accounts for travelling expenses, etc., not exceeding \$100.

5. *The Audit Act* is amended by adding thereto the following section: 8 Edw. VII, c. 9, amended.

29.—(1) The Treasury Board may direct in what manner and with what detail the Public Accounts and Statements therein are to be prepared and may make regulations in regard thereto for the guidance of the Auditor who shall carry out the same. Regulations of Treasury Board as to preparation of accounts.

(2) The Treasury Board may in like manner make regulations with regard to reports and statements to be made by the Auditor under section 13 of this Act, and the detail with which the same shall be printed in the Public Accounts, and it shall be the duty of the Auditor to conform to any regulations so made.

6. Subsection 2 of section 13 of *The Audit Act* is repealed and the following substituted therefor:— 8 Edw. VII, c. 9, s. 2, repealed.

The Auditor shall prepare a statement of all such legal opinions, reports to council, special warrants and cheques for the issue of which he has refused to certify, and of all expenditures incurred in consequence thereof, and such statement shall be delivered to the Treasurer and be laid before the Assembly not later than the third day of the Session of the Legislature then next ensuing.

## CHAPTER 11.

## An Act respecting the Fiscal Year.

*Assented to 29th March, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation.  
"Old fiscal year."  
"New fiscal year."

1. In this Act the expression "old fiscal year" shall mean the fiscal year as heretofore constituted, and the expression "new fiscal year" shall mean the fiscal year as constituted under section 2 of this Act.

8, Edw. VII., c.  
9 s. 19, subs. 1.

2. Subsection 1 of section 19 of *The Audit Act* is repealed and the following substituted therefor:—

Fiscal year.

"19.—(1) The Public Accounts shall include the period from the first day of November in one year to the thirty-first day of October in the next year, which period shall constitute the fiscal year; all estimates submitted to the Legislature shall be for the services coming in course of payment during the fiscal year; and all balances of appropriation which remain unexpended at the end of the fiscal year shall lapse and be written off; provided, that upon cause being shown to the satisfaction of the Lieutenant-Governor in Council he may, by Order in Council to be made before the first day of December of each year, extend the time for finally closing the account of any appropriation, for a period of not more than one month from the end of the fiscal year,—after the expiration of which extended time, and not before, the balance of such appropriation shall lapse and be written off."

Re-adjustment of dates in consequence of change in fiscal year.

3. Where in any Act heretofore passed, or passed during the present session, a day or time is designated for any purpose, and the Lieutenant-Governor in Council is of opinion that

that the day or time so designated was fixed because of its relation to the old fiscal year, or that the day or time designated for such purpose should bear a corresponding relation to the new fiscal year, the Lieutenant-Governor in Council may, by proclamation, declare that the day or time fixed for such purpose shall be changed so that it shall bear to the new fiscal year the same relation as the day or time previously designated bore to the old fiscal year.

4. This Act shall take effect as from the first day of January, 1909, except that the fiscal year 1909 shall consist of ten months only, beginning on the said first day of January and ending on the thirty-first day of October, 1909. Commence-  
ment of Act.

## CHAPTER 12.

An Act to amend and consolidate the law relating to the payment of Succession Duty.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Short title.

1. This Act may be cited as "*The Succession Duty Act.*"  
7 Edw. VII. c. 10, s. 1.

Interpretation.

2.—(1) In this Act:—

"Aggregate value."

(a) "Aggregate value" shall mean the fair market value of the property after the debts, encumbrances and other allowances authorized by section 4 are deducted therefrom, and for the purposes of determining the aggregate value and the rate of duty payable the value of property situate out of Ontario shall be included;

"Beneficial interest."

(b) "Beneficial interest" and "dutable value" shall mean the fair market value of the property after the debts, incumbrances, and other allowances and exemptions authorized by this Act are deducted therefrom.

"Dutable value."

"Child."

(c) "Child" shall include any lawful child of the deceased or any lineal descendant of such child born in lawful wedlock or any person adopted while under the age of twelve years by the deceased as his child or any infant to whom the deceased for not less than five years immediately preceding his death stood in *loco parentis* or any lineal descendant of such adopted child or infant as aforesaid born in lawful wedlock;

"Executor."

(d) "Executor" shall include administrator;

(e)



- (e) "Interest in expectancy" shall include an estate, <sup>"Interest in expectancy."</sup> income or interest in remainder or reversion and any other future interest whether vested or contingent but shall not include a reversion expectant on the determination of a lease;
- (f) "Passing on the death" shall mean passing either <sup>"Passing on the death."</sup> immediately on the death or after an interval, either certainly, or contingently, and either originally or by way of substitutive limitation, whether the deceased was at the time of his death domiciled in Ontario or elsewhere;
- (g) "Property" shall include real and personal property <sup>"Property."</sup> of every description and every estate and interest therein capable of being devised or bequeathed by will or of passing on the death of the owner to his heirs or personal representatives;
- (h) "Treasurer" shall mean the Treasurer of the Province of Ontario. 7. Edw. VII. c. 10, s. 3.

3. Every past or future disposition of property, by reason whereof any person has or shall become beneficially entitled to any property or the income thereof upon the death happening after the 1st day of July, 1892, whether the death has heretofore or shall hereafter happen, of any person domiciled in Ontario, either immediately or after any interval, either certainly or contingently, and either originally, or by way of substitutive limitation, and every devolution by law of any beneficial interest in property, or the income thereof, upon the death of any person so domiciled to any other person in possession or expectancy shall be deemed to have conferred or to confer on the person entitled by reason of any such disposition or devolution a "succession," and the term "successor" shall denote the person so entitled. <sup>What dispositions and devolutions of property shall confer successions.</sup>

4. In determining the dutiable value of property or the value of a beneficial interest in property the fair market value shall be taken as at the date of the death of the deceased, and allowance shall be made for reasonable funeral expenses, debts and encumbrances and Surrogate Court fees (not including solicitor's charges); and any debt or encumbrance for which an allowance is made shall be deducted from the value of the land or other subject of property liable thereto; but an allowance shall not be made:— <sup>Allowances made in computing dutiable value.</sup>

- (a) For any debts incurred by the deceased or encumbrances created by a disposition made by him unless such debts or encumbrances were created *bona fide* for full consideration in money or money's <sup>No allowance to be made for certain debts and expenses of administration.</sup>

money's worth wholly for the deceased's own use and benefit and to take effect out of his estate; nor

- (b) For any debt in respect whereof there is a right to reimbursement from any other estate or person unless such reimbursement cannot be obtained; nor
  - (c) More than once for the same debt or encumbrance charged upon different portions of the estate; nor
  - (d) Save as aforesaid, for the expense of the administration of the estate or the execution of any trust created by the will of the deceased or by any instrument made by him in his lifetime.
- 7 Edw. VII. c. 10, s. 4.

Allowance in respect of duty paid elsewhere.

5. Where any property passing on the death of the deceased is situate in any part of the British Dominions other than in Ontario, or in a foreign country in respect of which no allowance of duty is made under section 9, and the Treasurer is satisfied that by reason of such death any duty is payable there in respect of that property he may make an allowance of the amount of that duty from the value of the property.

Exemptions.

6. No duty shall be leviable,—

Estates not exceeding \$10,000.

(1) On any estate the aggregate value of which does not exceed \$10,000;

Charitable bequests.

(2) On property devised or bequeathed for religious, charitable or educational purposes to be carried out in Ontario or by a corporation or a person resident in Ontario, or on the amount of any unpaid subscription for any like purpose made by any person in his lifetime to any corporation or person mentioned in this subsection for which his estate is liable;

Property passing to certain persons not over \$50,000.

(3) On property passing by will, intestacy, or otherwise to or for the use of a grandfather, grandmother, father, mother, husband, wife, child, daughter-in-law or son-in-law of the deceased where the value of the property of the deceased does not exceed \$50,000;

Life insurance not exceeding \$5,000.

(4) On any moneys received under a policy of insurance effected by any person on his life payable to any of the persons mentioned in subsection 3 whether as nominee or assignee or under the provision of a will or otherwise when the aggregate of such insurance or insurances does not exceed \$5,000;

Bonds and debenture stock of certain corporations

(5) On any bond, debenture or debenture stock issued by a corporation having its head office in Ontario where the same

same is transferable on a register at any place out of Ontario and is owned by a person not domiciled at the time of his death in Ontario.

(6) Where the whole value of any property passing to any one person does not exceed \$300. 7 Edw. VII. c. 10, s. 6. To one person not over \$300.

7. The following property as well as all other property subject to succession duty upon a succession shall be subject to succession duty at the rates hereinafter imposed; Property subject to duties.

(1) All property situate in Ontario and any income therefrom passing on the death of any person, whether the deceased was at the time of his death domiciled in Ontario or elsewhere; Property in Ontario whether deceased domiciled in Ontario or elsewhere.

(2) Debts and sums of money due and owing from persons in Ontario to any deceased person at the time of his death on obligation or other specialty shall be property of the deceased situate in Ontario, without regard to the place where the obligation or specialty shall be at the time of the death of the deceased; Specialty debts.

(3) Property passing on the death of the deceased shall be deemed to include for all purposes of this Act the following property:— Property deemed to pass on the death.

(a) Any property, or income therefrom voluntarily transferred by deed, grant, bargain, sale or gift made in contemplation of the death of the grantor, bargainor, vendor, or donor or made or intended to take effect in possession or enjoyment after such death to any person in trust or otherwise or the effect of which is that any person becomes beneficially entitled in possession or expectancy to such property or income; Property transferred in contemplation of death.

(b) Any property, taken as a *donatio mortis causa* or taken under a disposition purporting to operate as an immediate gift *inter vivos*, whether by way of transfer, delivery, declaration of trust or otherwise, which shall not have been *bona fide* made twelve months before the death of the deceased, or property, taken under any gift, whenever made, of which property *bona fide* possession and enjoyment shall not have been assumed by the donee immediately upon the gift and thenceforward retained to the entire exclusion of the donor, or of any benefit to him by contract or otherwise; Donatio mortis causa, etc.

(c)

Property vested jointly with interest to survivor.

- (c) Any property which a person having been absolutely entitled thereto, has caused, or may cause to be transferred to, or vested in himself, and any other person jointly, whether by disposition or otherwise, so that the beneficial interest therein, or in some part thereof, passes or accrues by survivorship on his death to such other person, including also any purchase or investment effected by the person who was absolutely entitled to the property either by himself alone or in concert, or by arrangement with any other person;

Property passing under settlement, etc.

- (d) Any property, passing under any past or future settlement, including any trust, whether expressed in writing or otherwise, and if contained in a deed or other instrument effecting the settlement, whether such deed or other instrument was made for valuable consideration or not, as between the settlor and any other person, made by deed or other instrument not taking effect as a will whereby an interest in such property or the proceeds of sale thereof for life, or any other period determinable by reference to death, is reserved, either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right by the exercise of any power to restore to himself, or to reclaim the absolute interest in such property or the proceeds of sale thereof, or to otherwise resettle the same or any part thereof;

Annuities, insurance, etc

- (e) Any annuity or other interest purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased.

Policies of Insurance.

- (f) Money received under a policy of insurance effected by any person on his life, where the policy is wholly kept up by him for the benefit of any existing or future donee, whether nominee or assignee, or for any person who may become a donee, or a part of such money in proportion to the premiums paid by him, where the policy is partially kept up by him for such benefit;

Property over which decedent had power of disposal.

- (g) Any property of which the person dying was at the time of his death competent to dispose; and a person shall be deemed competent to dispose of property if he has such an estate or interest therein

therein or such general power as would if he were *sui juris* enable him to dispose of the property as he thinks fit, whether the power is exercisable by instrument *inter vivos* or by will or both, including the powers exercisable by a tenant in tail whether in possession or not, but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself or as mortgagee. A disposition taking effect out of the interest of the person so dying shall be deemed to have been made by him whether concurrence of any other person was or was not required. Money which a person has a general power to charge on property shall be deemed to be property of which he has the power to dispose;

- (h) Any estate in dower or by the curtesy in any land of the person so dying of which the wife or husband of the deceased becomes entitled on the decease of such person. Dower and curtesy.

(4) Nothing in this Act shall render liable for duty any property *bona fide* transferred for a consideration in money or money's worth, paid to the vendor or grantor for his own use and benefit, except to the extent, if any, to which the value of the property transferred exceeds that of the consideration so paid. Property transferred for full consideration not liable.

8. Save as aforesaid there shall be levied and paid for the purpose of raising a revenue for Provincial purposes in respect of any succession or on property passing on the death according to the dutiable value the following duties over and above the fees paid under *The Surrogate Courts Act*:— Rates of duty.  
  
Rev. Stat., c. 59.

(1) Where the aggregate value of the property exceeds \$50,000, and any property passes in manner hereinbefore mentioned, either in whole or in part, to or for the benefit of the grandfather, grandmother, father, mother, husband, wife, child, son-in-law or daughter-in-law of the deceased, the same or so much thereof as so passes (as the case may be) shall be subject to a duty at the rate and on the scale as follows:— Where property passes to grandparents, etc., and exceeds \$50,000.

Where the aggregate value

- (a) Exceeds \$50,000 and does not exceed \$75,000, 1 per cent.;
- (b) Exceeds \$75,000 and does not exceed \$100,000, 2 per cent.;
- (c) Exceeds \$100,000 and does not exceed \$150,000, 3 per cent.;

(d)

- (d) Exceeds \$150,000 and does not exceed \$200,000,  
4 per cent. ;  
(e) Exceeds \$200,000, 5 per cent.

Additional  
where share  
of any person  
exceeds  
\$100,000.

(2) Provided that where the aggregate value of the property exceeds \$100,000, and the value of the property passing in manner hereinbefore mentioned to any one person mentioned in the next preceding subsection exceeds the amount hereinafter mentioned, a further duty shall be paid on the amount so passing in addition to the rates in the next preceding subsection mentioned, as follows:—

Where the whole amount so passing to one person,—

- (a) Exceeds \$100,000 and does not exceed \$200,000,  
1 per cent. ;  
(b) Exceeds \$200,000 and does not exceed \$400,000,  
 $1\frac{1}{2}$  per cent.  
(c) Exceeds \$400,000 and does not exceed \$600,000,  
2 per cent. ;  
(d) Exceeds \$600,000 and does not exceed \$800,000  
 $2\frac{1}{2}$  per cent. ;  
(e) Exceeds \$800,000 and does not exceed \$1,000,000,  
3 per cent. ;  
(f) Exceeds \$1,000,000 and does not exceed \$1,200,-  
000, 4 per cent. ;  
(g) Exceeds \$1,200,000, 5 per cent.

Rate of duty  
where property  
passes to  
brothers,  
sisters, etc.

(3) Where the aggregate value of the property exceeds \$10,000, so much thereof as passes to or for the benefit of any lineal ancestor of the deceased, except the grandfather, grandmother, father and mother, or to any brother or sister of the deceased, or to any descendant of such brother or sister, or to a brother or sister of the father or mother of the deceased, or to any descendant of such last mentioned brother or sister, shall be subject to a duty of five per cent.

Additional  
duty where  
more than  
\$50,000 passes  
to any person.

(4) Provided that where the aggregate value of the property exceeds \$50,000, and the amount passing in manner hereinbefore mentioned to any one person mentioned in the next preceding subsection, except the grandfather, grandmother, father, and mother, exceeds the amount hereinafter mentioned, a further duty shall be paid on the amount so passing in addition to the duty in the next preceding subsection mentioned as follows:—

Where the whole amount so passing to one person,—

- (a) Exceeds \$50,000 and does not exceed \$100,000,  
1 per cent. ;  
(b) Exceeds \$100,000 and does not exceed \$150,000,  
 $1\frac{1}{2}$  per cent. ;

(c)

- (c) Exceeds \$150,000 and does not exceed \$200,000,  
2 per cent.;
- (d) Exceeds \$200,000 and does not exceed \$250,000,  
 $2\frac{1}{2}$  per cent.;
- (e) Exceeds \$250,000 and does not exceed \$300,000  
3 per cent.;
- (f) Exceeds \$300,000 and does not exceed \$350,000  
 $3\frac{1}{2}$  per cent.;
- (g) Exceeds \$350,000 and does not exceed \$400,000,  
4 per cent.;
- (h) Exceeds \$400,000 and does not exceed \$450,000,  
 $4\frac{1}{2}$  per cent.;
- (i) Exceeds \$450,000, 5 per cent.

(5) The additional duty provided for by subsections 2 and 4 shall be payable on the property in Ontario, where the deceased dies domiciled elsewhere than in Ontario, but for the purpose of fixing the rate of such duty, the beneficial interest in property out of Ontario passing to the successor or other person on the same death shall be added to the value of the property in Ontario, and nothing in this Act shall be construed to impose any duty, directly or otherwise, on property out of Ontario owned by any deceased person so domiciled.

(6) Where the aggregate value of the property exceeds \$10,000, so much thereof as passes to or for the benefit of any person in any other degree of collateral consanguinity to the deceased than is above mentioned, or to or for the benefit of any stranger in blood to the deceased, save as is hereinbefore provided, shall be subject to a duty of ten per cent. 7 Edw. VII. c. 10, s. 6.

9. Where the Treasurer is satisfied that in any part of the British Dominions other than Ontario, or any foreign country to which this section applies, any estate, legacy, or succession duty is paid by reason of a death in respect of any property situate therein and passing on such death, an allowance for the amount so paid shall be made by this Province to the extent of the duty payable under this Act on the same property, and the property upon which such duty or tax has been paid elsewhere shall be subject to the payment of such portion only of the succession duty provided for in this Act as will equal the difference between the duty payable under this Act with respect to property in Ontario and the duty or tax so paid elsewhere; provided that allowance for any estate, succession or legacy duty or tax paid elsewhere than in Ontario shall be made under this section only as to such part of the

Rate where property passes to other persons.

Allowance for duty paid elsewhere on same death.

Proviso.

the British Dominions or as to such foreign country where an allowance is made for the succession duty paid under this Act on property situate in Ontario, passing on the death of any person domiciled elsewhere than in Ontario, and the Lieutenant-Governor in Council shall have extended the provisions of this section as to such allowance by this Province, so as to apply to such part of the British Dominions or to such foreign country. Provided also that the Lieutenant-Governor in Council may revoke any such order, where it appears that the law of such part of the British Dominions or foreign country has been so altered that it would not authorize the making of an order under this section.

Proviso.

Foreign executors, etc., not to transfer stock until duty paid.

10. No foreign executor shall assign or transfer any bond, debenture, stock or share of any bank or other corporation whatsoever having its head office in Ontario standing in the name of the deceased person, or in trust for him until the duty, if any, is paid or security is given as required by section 11, and any such bank or corporation allowing a transfer of any debenture, bond, stock or share contrary to this section shall be liable for such duty. 7 Edw. VII. c. 10, s. 6 (10).

Executors, etc., to file inventory and bonds for payment of duty.

11.—(1) An executor or administrator applying for letters probate or letters of administration to the estate of a deceased person shall, before the issue of letters probate or of administration to him, make and file with the Surrogate Registrar a full, true and correct statement under oath showing:

- (a) A full inventory in detail of all the property of the deceased person and the market value thereof, and
- (b) The several persons to whom the same passes, their places of residence and the degrees of relationship, if any, in which they stand to the deceased;

and the executor or administrator shall, before the issue of letters probate or of administration, deliver to the Surrogate Registrar a bond in a penal sum not exceeding ten per centum of the sworn value of the property of the deceased person liable, or which may become liable, to succession duty, executed by himself and two sureties, to be approved by the Registrar, conditioned for the due payment to His Majesty of any duty for which such executor or administrator may be found liable.

Security may be given in cash.

(2) The Treasurer may accept a sufficient sum as security for the due payment of any duty, for which any executor, successor or other person accountable for the same may become liable, in lieu of or in addition to any other security,



ity, and he may in such case allow and pay to the executor or other person accountable, interest thereon at a rate not exceeding three per cent. per annum upon so much thereof as from time to time exceeds the amount of duty which has become payable under this Act.

(3) Every person to whom property passes for any beneficial interest in possession, and also, to the extent of the property actually received or disposed of by him, every trustee, guardian, committee, or other person in whom any interest in the property so passing, or the management thereof, is at any time vested, and every person in whom the same is vested in possession by alienation or other derivative title shall be accountable for the duty, and shall within six months after the death of the deceased, or such later time as may be allowed by the Treasurer, send by registered letter to the Treasurer an account of the property, verified on oath; provided that this subsection shall not apply to property included in the inventory mentioned in subsection 1.

Where no executor or administrator accountable for duty.

Proviso.

(4) If at any time it shall be discovered that any property was not disclosed upon the grant of letters probate or of administration or the filing of the account, the person acting in the administration of such property and the person who is liable for the duty payable under this Act shall pay to the Treasurer the amount which, with the duty (if any) previously payable or paid on such property, shall be sufficient to cover the duty chargeable according to the true value thereof at the rates fixed by this Act, together with interest thereon, and shall at the same time pay to the Treasurer as a penalty a further duty of twenty-five per cent. of the duty chargeable on the value of the property not disclosed, and shall also, within two months after the discovery of the omission, deliver to the Surrogate Registrar an affidavit or account setting forth the property so not disclosed and the value thereof, in default of which he shall incur a penalty of \$10 for each day during which the default continues. 7 Edw. VII. c. 10, s. 7; 8 Edw. VII. c. 33, s. 21 (1).

Property not disclosed on application for probate, etc.

12.—(1) In case the Treasurer is not satisfied with the value of any property as sworn to or with the correctness of any inventory, the Surrogate Judge of the county in which the property or any part thereof, subject to duty is situate shall, at the instance of the Treasurer and upon such notice by personal or substitutional service to the executor or such interested parties as he by order directs, enquire into the correctness of the inventory and as to the value so sworn to, and value any property improperly omitted, fix and settle the amounts of the debts and other allowances and exemptions, and assess the cash value of every annuity, term of years, life estate, income or other estate

Proceedings when Treasurer not satisfied with valuation.

estate and of every interest in expectancy as provided by this Act, and shall at the time and place mentioned in the notice or any other time and place named by him value all property at the fair market value and hear and determine all questions relative to the liability of property; the amount of duty and the executor, successor and other persons liable therefor.

Powers of Judge.

(2) The Surrogate Judge shall have all the powers of a Judge of the County Court at the trial of any action and the power to compel discovery, the production of books, papers and documents and he may with the consent of the official guardian appoint for the purposes of this Act a guardian of any infant who has no guardian.

Enforcement of judgment.

(3) The judgment of the Surrogate Judge shall have the like force and effect and be enforceable in the same manner as a judgment of the County Court.

Judge may direct appraisal of property by sheriff.

(4) In lieu of or in addition to evidence of valuation of property the Surrogate Judge may in the first instance or at any time before judgment issue a direction to the sheriff of the county where any property is situate in respect to which duty is payable to make an appraisalment of the property mentioned in the inventory or any part thereof or of any property wrongfully omitted.

Appraisalment to be according to fair market value.

(5) When so directed the sheriff shall forthwith appraise the property mentioned in the inventory, or any part thereof, as directed by the Surrogate Judge, or any property wrongfully omitted, at its fair market value at the date of death or at the time provided in section 16, as the case may be, and make a report in writing to the Surrogate Judge of his appraisalment and of such other facts as he may deem proper.

Sheriff's fees.

(6) The sheriff shall be paid the following fees for services performed under this Act:—

\$1 for every hour up to five hours;

\$2 for every hour in important or difficult cases;

In no case to exceed \$10 per diem;

His actual and necessary travelling expenses. 7 Edw. VII. c. 10, s. 8.

Valuation of annuities and limited estates.

13. The value of every annuity, term of years, life estate, income or other estate and of every interest in expectancy in respect of which duty is payable under this Act, shall for the purposes of this Act be determined by the rule, method and standards of mortality and of value which are employed by the Provincial Inspector of Insurance in ascertaining the value of policies of life insurance and annuities for the determination of the liabilities of life insurance companies, save that the rate of interest to be taken for all purposes of computation under this section

tion shall be four per cent. per annum; and the Inspector of Insurance shall on the application of any Surrogate Judge determine the value of any annuity, term of years, life estate, income or other estate or of any interest in expectancy upon the facts contained in any such application and certify the same to the Surrogate Judge and his certificate shall be conclusive as to the matters dealt with therein. 7 Edw. VII. c. 10, s. 9.

14.—(1) The Treasurer, or any other person interested, may within thirty days from the date of the judgment of the Surrogate Judge appeal to the Court of Appeal, whose decision shall be final. Provided that no appeal shall lie unless that portion of the property or of the debts and other allowances and exemptions in respect of which such appeal is taken, or all combined, exceeds in value or amount \$10,000 according to such judgment.

Appeal from  
Surrogate  
Judge.

Proviso.

(2) The costs of all such proceedings shall be in the discretion of the Court or Judge and shall be on the County Court scale, except the costs of an appeal, which shall be according to the tariff applicable to proceedings in the Court of Appeal. 7 Edw. VII. c. 10, s 10.

Costs.

15.—(1) The duties imposed by this Act, unless otherwise herein provided shall be due at the death of the deceased, and payable within eighteen months thereafter, and if the same are paid within the said period no interest shall be charged or collected thereon, but if not so paid, interest at the rate of five per centum per annum from the death of the deceased shall be charged and collected, and such duties, together with the interest thereon, shall be and remain a lien upon the property in respect of which they are payable until paid. Provided that the duty chargeable upon any legacy given by way of annuity whether for life or otherwise shall be paid in four equal consecutive annual instalments, the first of which shall be paid before the falling due of the first year's annuity and each of the three others within the same period in each of the next succeeding three years, and for non-payment when due interest shall be collected from the date of the maturity of each instalment until paid. If the annuitant dies before the expiration of the said four years payment only of the instalments which fall due before his death shall be required.

Duties to be  
payable within  
18 months from  
death of owner.

Proviso.

- (a) The Lieutenant-Governor in Council, upon proof to his satisfaction that payment of the duty within the time limited by subsection 1 would be unduly onerous may extend the time for the payment to such date and upon such terms as may be deemed proper.

Extension of  
time for pay-  
ment.

(2)

Where interest  
is accumulated.

(2) Where the whole or any part of the income or interest of any property is directed to be accumulated for any period for the benefit of any person or persons or class to whom or to any of whom at the expiration of such period such property passes, or income, or interest, becomes payable, such property shall be deemed for the purpose of this Act an interest in possession, passing at the death of the deceased, and the duty thereon shall be payable within eighteen months thereafter.

Property sub-  
ject to general  
power of  
appointment  
liable to duty.

(3) Property passing upon the death in respect to which any person is given such a general power to appoint, as is mentioned in clause (g) of subsection 3 of section 7 shall be liable to duty and the duty thereon shall be payable in the same manner and at the same time as if the property itself had been given to the donee of the power.

Certificate of  
discharge to be  
given by  
Provincial  
Treasurer.

(4) When the duty or any part thereof has been paid or secured to the satisfaction of the Treasurer, he shall, if required by the person accounting for the duty, give a certificate to that effect which shall discharge from any further claim for such duty the property mentioned in the certificate; provided the Treasurer shall not be bound to grant such certificate until the expiration of one year from the death of the deceased.

Certificate not  
a discharge in  
case of fraud,  
etc.

(5) Such certificate shall not discharge any person or property from the duty in case of fraud or failure to disclose material facts, and shall not affect the rate of duty payable in respect of any property afterwards shown to have passed on the death and the duty in respect of such property shall be at such rate as would be payable if the value thereof were added to the value of the property, in respect of which duty has been already accounted for; provided that a certificate purporting to be a discharge of the whole duty payable in respect of any property included in the certificate shall exonerate from duty property in the hands of a *bona fide* purchaser for valuable consideration without notice. 7 Edw. VII. c. 10, s. 11.

Except as to  
*bona-fide* pur-  
chaser.

Duty on  
interest in  
expectancy.

16.—(1) Where the dutiable property includes any interest in expectancy the duty on such interest may be paid within the eighteen months limited by subsection 1 of section 15, and when so paid the duty shall be on the value of such interest ascertained as provided herein as at the death of the deceased.

Payment of  
duty after time  
limited.

(2) With the consent in writing of the Treasurer, the duty may be paid after the time so limited and before such interest comes into possession; but if such consent is given the duty shall then be on a value not less in any event than the value of such interest in expectancy ascer-  
tained

tained as provided herein as at the date when the duty is paid; and no deduction shall be made by reason of duty paid or payable on any prior estate, income or interest.

(3) The duty on any interest in expectancy, if not sooner paid, shall be payable forthwith when such interest comes into possession, in which case the duty shall be on the value ascertained as provided herein as at the date of coming into possession; and no deduction shall be made by reason of duty paid or payable on any prior estate, income or interest; and if such duty is not so paid, interest at the rate of five per cent. shall be charged and collected thereon from the date when such interest in expectancy came into possession.

Payment of duty on interest in expectancy.

(4) Subject to the provisions of subsection 2 of section 15, where any property so passes that no person is beneficially entitled to the present enjoyment of the income or any part thereof for any term of years, or other period, whether certain or uncertain, the duty shall be payable on the present value of such income or part thereof for such term or period computed as provided by section 13 and shall be payable within eighteen months after the death of the deceased.

Duty of present value of income where no person entitled to present enjoyment.

(5) Notwithstanding that the duty may not be payable under this section until the time when the right of possession or actual enjoyment accrues an executor or person who has the custody or control of the property, may, with the consent of the Treasurer, commute the duty which would or might, but for the commutation, become payable in respect of such interest in expectancy, for a certain sum to be presently payable, and for determining that sum the Treasurer shall cause a present value to be set upon such duty, regard being had to the contingencies affecting the liability to and the rate and amount of such duty and interest; and on the receipt of such sum the Treasurer shall give a certificate of discharge from such duty.

Commutation of duty.

(6) Where the duty on any interest in expectancy has been commuted and paid under the provisions of this section before such interest in expectancy falls into possession the duty so paid shall be charged on such interest in expectancy and shall be repaid with interest at the rate of four per cent. per annum to the person who has paid the same by the person entitled to such interest in expectancy at the time when such interest comes into possession.

Interest in expectancy to be charged with duty paid.

(7) Where it appears to the Treasurer, that, by reason of the number of deaths on which property has passed or of the complicated or contingent nature of the interests of different persons in property passing on the death, it is difficult to ascertain exactly the rate or amount of duty payable

Composition by Treasurer for duty payable in certain cases.

payable in respect of any property or any interest therein or so to ascertain the same without undue expense in proportion to the value of the property or interest, the Treasurer on the application of any person accountable for any duty thereon and upon his furnishing all the information in his power respecting the amount of the property and the several interests therein, and other circumstances of the case, may, by way of composition for all or any duty payable in respect of the property or interest and the various interests therein or any of them, assess such sum on the value of the property or interest, as having regard to the circumstances appears proper and may accept payment of the sum so assessed in full discharge of all claims for duty in respect of such property or interest and shall give a certificate of discharge accordingly. 7 Edw. VII. c. 10, s. 12.

Extension of  
time for the  
payment of  
duty.

17. Upon the application of any person liable for the payment of the duty the Surrogate Judge may from time to time, on notice to the Treasurer, and for just cause shown make upon such terms as he may deem proper an order extending the time fixed by this Act for payment thereof for any period, in the aggregate not exceeding one year or with the consent of the Treasurer for a longer period, but, unless the Judge otherwise orders the duty shall nevertheless bear interest at the rate of five per centum per annum from the day upon which such duty might have been paid without interest. 7 Edw. VII. c. 10, s. 13.

Executor liable  
to pay duty.

18.—(1) The executor of the deceased shall pay at the time or times mentioned in this Act, to the extent of the property coming into his hands, the succession duty in respect of the property in Ontario and the personalty wheresoever situate, of which the deceased was competent to dispose at his death, and of the existence of which the executor has knowledge, and may pay in like manner the duty in respect of any other property passing on such death, which by any testamentary disposition of the deceased is under the control of the executor, or in case of property not under his control, if the person accountable for the duty in respect thereof requests him to make such payment, and any executor having in charge or trust any estate, legacy, or property in respect of which any duty is payable, shall deduct the duty therefrom, or collect the duty thereon from the person entitled thereto, and he shall not deliver such property to any person until he has collected the duty thereon.

Persons liable  
to duty may  
raise same by  
sale, etc.

(2) Any person authorized or required to pay the duty in respect of any property shall for the purpose of paying such duty or raising the amount of the duty when already paid, have power whether the property is or is not vested in him, to raise the amount of such duty and any interest

and

and expense properly paid or incurred by him in respect thereof by sale, mortgage, or lease, of so much of the property as may be necessary for such purpose.

(3) Every sum of money retained by an executor or paid into his hands for the duty on any property, shall be paid by him forthwith to the Treasurer, or as he may direct. 7 Edw. VI. c. 10, ss. 14, 15 and 16.

Duty to be paid to Treasurer.

19. Where any debts shall be proven against the estate of a deceased person, after the payment of legacies or distribution of property from which the duty has been deducted, or upon which it has been paid, and a refund is made by the legatee, devisee, heir or next of kin, a proportion of the duty so paid shall be repaid to him by the executor, if such duty has not been paid to the Treasurer or by the Treasurer if it has been so paid. 7 Edw. VII. c. 10, s. 17.

Refunding duty upon subsequent payment of debts.

20. The Judges and Registrars of the several Surrogate Courts and solicitors practising therein shall be entitled to take for the performance of duties and services under this Act, similar fees to those payable to them for the like services under and by virtue of *The Surrogate Courts Act* and the Surrogate Court rules. 7 Edw. VII. c. 10, s. 18.

Fees of Judges and Registrars,

21.—(1) Any duty payable under this Act shall be recoverable with full costs as a debt due to His Majesty from any person liable therefor by action in or on summary application to any court of competent jurisdiction.

Rev. stat., c. 59, recovery of succession duties by action.

(2) The High Court shall also have jurisdiction to determine what property is liable to duty under this Act, the amount of such duty and the time or times when the same is payable, and may itself or through any referee exercise any of the powers conferred upon any officer or person by the said sections.

Matters to be determined by High Court in action.

(3) An action may be brought for any of the purposes in this Act mentioned, notwithstanding the time for the payment of the duty has not arrived, subject to the discretion of the court as to costs.

Action may be brought before time for payment of duty.

(4) In every such action His Majesty's Attorney-General shall have the same right either before or after the trial to require the production of documents, to examine parties or witnesses or to take such other proceedings in aid of the action as a plaintiff has in an ordinary action. 7 Edw. VII. c. 10, s. 19.

Production of documents, examination of witnesses, etc.

22. Where duty is claimed in respect of any land or money secured by mortgage or charge upon land, the Treasurer may cause to be registered in the proper registry office,

Caution.

or



or in the proper office of land titles if the land is registered under the Land Titles Act, a caution claiming duty in respect of such land, mortgage, or charge by reason of the death of the deceased, and the land, mortgage or charge, shall upon such registration be subject to the lien of the Crown for duty, but nothing herein contained shall affect the rights of the Crown to a lien independently of the caution. 8 Edw. VII., c. 33, s. 21, subs. 3.

Lieutenant-Governor in Council may make regulations.

23. The Lieutenant-Governor in Council may make rules and regulations for carrying into effect the provisions of this Act, and such rules and regulations shall be laid before the Legislative Assembly forthwith, if in session at the date of such rules and regulations, and if not then in session such rules and regulations shall be laid before the Assembly within the first seven days of the session next after the same are made. 7 Edw. VII. c. 10, s. 20.

Declaration of scope of Act.

24. This Act shall be deemed to be and to declare the law relating to Succession Duty since the commencement of the original Act on July 1st, 1892, and *The Succession Duty Act of 1907*, and amendments thereto are repealed, save as to any action or reference heretofore determined or now pending in any Court.

Repeal.



## CHAPTER 13.

## An Act respecting Law Stamps.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.	FEES NOT MULTIPLES OF TEN CENTS
INTERPRETATION, s. 2.	INCREASED, s. 14.
ISSUE OF STAMPS, s. 3.	SALE OF STAMPS, ss. 15-20.
FOR WHAT FEES TO BE USED, ss. 4, 5.	PENALTIES—
AFFIXING STAMPS, ss. 6-10.	For issuing writ, etc., without
COURT TO TAKE NOTICE OF ABSENCE OF STAMP, s. 7.	being duly stamped, s. 21.
PROVISIONS IN CASE OF OMISSION TO AFFIX STAMPS, ss. 11, 12.	For not obliterating stamps,
CANCELLATION OF STAMPS, s. 13.	s. 22.
	Evidence, s. 23.
	REPEAL, s. 24.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Law Stamps Act.*" Short title.
2. In this Act the words "fees" and "fee" shall mean Interpretation. the fees and charges mentioned in section 4. R.S.O. 1897, c. 25, s. 5.
3. The Lieutenant-Governor in Council may direct Issue of stamps. stamps to be prepared for the purposes of this Act, of such denominations and of such design, form, and colour as he may see fit. R.S.O. 1897, c. 25, ss. 2 and 3. Form, etc., of stamps.
4. The stamps shall be used in payment of fees and For what purposes stamps shall be used in Ontario. charges payable to the Crown upon legal proceedings under this or any other Act, and under any Order in Council or rule or order of any Court. R.S.O. 1897, c. 25, s. 4.
5. Money shall not be paid to or received by any Court, No money to be received for such fee. or any officer of any Court, for any fee. R.S.O., 1897, c. 25, s. 6.

No proceedings on which such fees are payable to be valid until stamps affixed.

6. No paper or proceeding upon which a fee is payable to the Crown shall be issued, received or acted upon by any Court, or by any officer of any Court, until a stamp for the amount of such fee has been affixed to the same. R.S.O. 1897, c. 25, s. 7.

*[Under R.S.O., Cap. 59, sec. 80, the law stamps for fees payable on a grant of probate or administration are affixed to the order for the grant. As to law stamps, under Land Titles Act, see R.S.O., Cap. 138, sec. 155].*

Proceedings not duly stamped to be void.

7. Every paper and proceeding upon which a fee is payable, and which is not duly stamped, shall, if not afterwards stamped under the provisions of this Act, be absolutely void, and no judge or officer of the Court shall allow any action or step to be taken thereon, although no exception is taken thereto by any of the parties. R.S.O. 1897, c. 25, s. 8.

Cases of search, etc., provided for.

8. In cases of search, examining and authenticating office copies of papers, and in all other cases in which a document would otherwise not be required, a memorandum in writing shall be produced by the applicant, to which the stamp shall be affixed. R.S.O. 1897, c. 25, s. 9.

No unstamped process, etc., to be served.

9. A sheriff, officer or other person shall not serve or execute any writ, rule, order or proceeding, or a copy thereof, upon which a fee is payable, which is not duly stamped, and, subject to the provisions of section 11, every service and execution contrary to this Act shall be void, and no recompense shall be allowed therefor. R.S.O. 1897, c. 25, s. 10.

Another stamp required whenever another charge is due.

10. A paper or proceeding which has been duly stamped for the purpose for which it has been used shall not be considered as stamped for any other purpose, where another fee is payable thereon for any other or further use of the same. R.S.O. 1897, c. 25, s. 11.

Court may allow stamps to be affixed on certain terms.

11.—(1) A person who has omitted to duly stamp a paper or proceeding may apply to the Court or to a Judge thereof for leave to have the same duly stamped, and where this Act has not been wilfully violated, the application shall, on such terms as may be deemed proper, be granted for the stamping of such paper or proceeding with stamps of such amount beyond the fee due thereon as may be thought reasonable, not exceeding ten times the amount of the fee. R.S.O. 1897, c. 25, s. 12.

Retroactive effect of order.

(2) The affixing of the stamps shall have the same effect as if the paper or proceeding had been duly stamped in the first instance. R.S.O. 1897, c. 25, s. 13.

12.—(1) Where the officer inspecting legal offices finds a paper or proceeding which should have had stamps affixed to it, not stamped, or insufficiently stamped, he shall require the officer whose duty it was to see that it was properly stamped, to affix to such paper or proceeding stamps of a sufficient amount.

Affixing stamps to papers unstamped or insufficiently stamped.

(2) The officer directing stamps to be affixed shall cancel them, and the affixing of such stamps by direction of the officer shall have the same effect as if the paper or proceeding had been duly stamped in the first instance. R.S.O. 1897, c. 25, s. 14.

Effect of.

13. When a stamp has been affixed to a paper or proceeding the officer who issues or receives it, shall forthwith cancel the stamp by perforation or in such other manner as the Lieutenant-Governor in Council may direct. R.S.O. 1897, c. 25, s. 15.

Cancellation of stamps.

14. Fees payable shall be at the following rates: For fees of ten cents or under, ten cents; from ten cents to twenty cents, twenty cents; from twenty cents to thirty cents, thirty cents; and so in like manner all other fees which are not multiples of ten cents, at the multiple of ten cents next above the sum to which they amount; except that the fee for examining and authenticating office copies of papers, shall be, when the same do not exceed three folios, five cents, and for every three folios above the first three, an additional five cents, and for any number of folios less than three, above any number of folios divisible by three, the fee for such broken number shall be five cents. R.S.O. 1897, c. 25, s. 16.

Fees or dues to the Crown increased in certain cases.

Special provision as to charge for office copies.

15. The Treasurer of the Province shall procure the stamps required under this Act, and shall keep an account of the numbers, denominations and amounts thereof, and of the dates at which they are procured. R.S.O. 1897, c. 25, s. 17.

Provincial Treasurer to procure stamps, etc.,

16. The Treasurer, upon payment to him of the proper amount, shall issue such stamps as may be required, and shall keep an account of the numbers, denominations and amounts thereof, and of the dates of issue. R.S.O. 1897, c. 25, s. 18.

To issue the same.

17. Subject to the provisions hereinafter contained, the Treasurer may allow to any person who takes at any one time stamps to the amount of \$5 or upwards, a discount not exceeding five per centum. R.S.O. 1897, c. 25, s. 19.

Allowance to be made to purchasers.

18. The Lieutenant-Governor in Council may make arrangements with any person for the exclusive sale of stamps to him in any locality, and for such time as he may think fit, at a discount, not exceeding five per cent., and in such

Lieutenant-Governor may make any person sole vendor of stamps in any locality.

such case the Treasurer shall not issue stamps to any other person in the locality specified in the Order in Council. R.S.O. 1897, c. 25, s. 20.

Obligations of  
vendors of  
stamps.

19. Where an arrangement under section 18 is made with any person for the sale of stamps, he shall at all times keep on hand such a supply of the different denominations as may be reasonably expected to be required of him; and shall sell the same to all persons upon payment of the amount of such stamps; and for any violation of this section he shall incur a penalty not exceeding \$20, and shall also be liable for the damages sustained by any person through such violation. R.S.O. 1897, c. 25, s. 22.

Penalty.

Allowance for  
stamps spoiled  
or returned.

20. The Lieutenant-Governor in Council may make regulations for an allowance for stamps spoiled or rendered useless or unfit for the purpose intended, or for which the owner may have no immediate use, or which through mistake or by inadvertence may have been improperly or unnecessarily used; and such allowance shall be made either by giving other stamps in lieu of the stamps allowed for, or by repaying the amount thereof, after deducting the discount (if any) allowed on the sale of stamps to the like amount. R.S.O. 1897, c. 25, s. 23.

Penalty for  
issuing, etc.,  
any writ or  
proceeding  
without hav-  
ing it duly  
stamped.

21. A person who wilfully issues, receives, procures or delivers, or serves or executes any writ, rule, order, paper or proceeding upon which any fee is payable to the Crown without the same having been first duly stamped, shall for the first offence incur a penalty not exceeding \$10, for the second offence not exceeding \$50, and for the third and every subsequent offence \$200, recoverable on summary conviction; and in default of payment shall be liable to be imprisoned for a period not exceeding one month for the first offence, three months for the second offence, and one year for the third or any subsequent offence, unless in each case the penalty and costs are sooner paid. R.S.O. 1897, c. 25, s. 24.

Penalty for  
not properly  
obliterating  
stamps.

22. A person who omits to cancel any stamp in the manner and at the time hereinbefore provided shall incur a penalty not exceeding \$20, recoverable on summary conviction, and in default of payment shall be liable to imprisonment for a period not exceeding two months, unless the penalty and costs are sooner paid. R.S.O. 1897, c. 25, s. 25.

*Prima facie*  
evidence of  
non-stamping.

23. The production of any writ, rule, order, paper or proceeding not stamped, or insufficiently stamped, or the stamp of which is not properly cancelled, or the proof that it was not stamped or sufficiently stamped at the time when it was issued, received, served or executed, or that  
the

the stamp was not properly cancelled, shall be sufficient *prima facie* evidence of such writ, rule, order, paper or proceeding having been wilfully issued, received, served or executed without having been first stamped, or without the stamp having been properly cancelled. R.S.O. 1897, c. 25, s. 26.

24. Chapter 25 of the Revised Statutes of Ontario, 1897, Repeal. and all amendments thereto are repealed.

## CHAPTER 14.

An Act to amend The Supplementary Revenue Act  
of 1907.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

7 Edw. VII.,  
c. 9 amended.

1. Section 15 of *The Supplementary Revenue Act, 1907*, as enacted by section 3 of the Act to amend the said Act, passed in the 8th year of His Majesty's reign, Chaptered 15, is amended by adding thereto the following subsection:—

Maximum  
deduction for  
municipal  
income tax  
defined.

(3) The one-third and one-half herein mentioned as the maximum deduction for municipal income tax shall mean one-third or one-half, as the case may be, of the amount or part only of the tax under said section 6 which arises from or is referable to the mine or mineral workings or part thereof actually situate within the municipality to which the municipal income tax is payable, notwithstanding that another part of what is under said section liable to taxation as a single mine exists outside the municipality; and the Mine Assessor may at all times require any additional statements or returns to be made that he may deem necessary for fixing the portion of tax referable to the municipality.

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## CHAPTER 15.

## An Act to amend The Free Grants and Homesteads Act.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Free Grants and Homesteads Act* is amended by adding the following as subsection 3 to section 13 thereof: Rev. Stat. c. 29, s. 13 amended.

(3) In all townships open for location or sale under this Act or the regulations thereunder, the Minister may, at the request of any locatee, under said Act, who has received his patent for lands located or sold to him, or of any person shewing title under him, cause such lands, provided they are not under timber license, to be examined by an officer or officers appointed by the Minister for such purpose, and if his or their report shews that such lands are not valuable for their pine trees and have not more than 40,000 feet board measure of pine timber thereon the Minister may make an order releasing and discharging said lands from the reservation in the patents of such pine trees and said order or a copy thereof certified under section 47 of *The Public Lands Act* shall be filed in the office of the Registrar or Local Master of Titles for the county or district in which said lands lie. In certain cases the Minister may release lands from reservation of timber. Rev. Stat. c. 28.

2. Section 12 of the said Act is amended by striking out the word "six" in the third line thereof and substituting the word "four" therefor, and by striking out the word "five" in the thirteenth line thereof and substituting the word "three" therefor. Rev. Stat. c. 29, s. 12 amended.

## CHAPTER 16.

## An Act to amend The Forest Reserves Act.

*Assented to 29th March, 1909.*

WHEREAS under sections 1 and 2 of *The Forest Reserves Act* a certain territory called the Temagami Forest Reserve was declared to be a permanent Crown Forest Reserve; and whereas it is expedient for the purpose of establishing a town site to withdraw from the operation of said Act the lands hereinafter described;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands with-  
drawn from  
Temagami  
Forest Reserve.

1. The lands comprised within the limits of the hereinafter described area, that is to say: "All and singular that certain parcel or tract of land and land under the water of Gowganda and Burk Lakes, containing by admeasurement 1,250 acres, more or less, situate in the townships of Nicol and Milner, in the Temagami Forest Reserve, in the District of Nipissing:—

Commencing at a point on the north limit of the said Township of Nicol at the distance of 5 miles west of the northeast angle thereof; thence due west astronomically along the north limit of said township 1 mile to the northwest angle thereof; thence continuing due west astronomically along the north limit of the said Township of Milner 42 chains, more or less, to the water's edge on the east shore of the north arm of said Gowganda Lake; thence southeasterly along the water's edge of said north arm, 2 miles, more or less, to the southerly end of Gowganda Peninsula in said Gowganda Lake; thence continuing along the water's edge of said lake northeasterly and northerly to a point distant 120 chains south of the north limit of said Township of Nicol; thence due east astronomically 69 chains to a point due south astronomically from the place of beginning; thence due north astronomically 120 chains to the place of beginning,

are



are hereby withdrawn from the said Crown Forest Reserve, and the Act shall no longer apply thereto.

2. Whenever it shall be deemed expedient to establish a town site within the limits of any Crown Forest Reserve it shall be lawful for the Minister of Lands, Forests and Mines under authority of an Order of the Lieutenant-Governor in Council to withdraw the lands comprised in the description of such proposed town site from such Crown Forest Reserve and from the date of such Order in Council the said Act shall no longer apply to such town site.

Minister may  
withdraw  
lands for town  
site purposes.

## CHAPTER 17.

An Act to amend and improve the law respecting  
Mine Accidents and Operation of Mines.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

8 Edw. VII.  
c. 21, s. 163  
amended.

1. Section 163 of *The Mining Act of Ontario* is amended by adding the following paragraph:—

Right of the  
Inspector or his  
representative  
to be present at  
inquest.

“The Inspector and any person authorized to act on his behalf shall be entitled to be present and to examine or cross examine any witness at every inquest held concerning a death caused by an accident at a mine, and if the Inspector or some one on his behalf is not present, the coroner shall, before proceeding with the evidence, adjourn the inquest and give the Deputy Minister not less than four days’ notice of the time and place at which the evidence is to be taken.”

8 Edw. VII.  
c. 21, s. 164  
amended.

Offence to be  
reported to the  
Inspector or  
Crown  
Attorney.

2. Paragraph 7 of section 164 of the said Act is amended by adding the following words: “and the officer in charge of the mine shall immediately report such offence to the Inspector or to the Crown Attorney of the County or District in which the mine is situate.”

8 Edw. VII.,  
c. 21, s. 164, par.  
9 amended.

3. Paragraph numbered 9 of said section 164 is amended by adding the words: “and no drilling shall be done in any hole that has been blasted, nor shall any metal tool be introduced into the bottom of any such hole.”

8 Edw. VII.,  
c. 21, s. 164,  
par. 23  
amended.

4. Paragraph numbered 23 of the said section 164 is amended by inserting after the word “tubs” in the 3rd line thereof, the words: “except that men employed in shaft sinking shall be allowed to ascend and descend to and from the nearest level by means of the bucket used for hoisting material, but there must always be a suitable ladder in the shaft to provide an auxiliary means of escape.”

5. The said section 164 is amended by inserting the following paragraph:—

8 Edw. VII.,  
c. 21, s. 164  
amended.

“24a. All crossheads must be provided with a safety appliance so constructed that the crosshead cannot stick in the shaft without also stopping the bucket.”

Crossheads to  
be provided  
with safety  
appliance.

6. The paragraph numbered 31 of said section 164 is amended by adding at the end thereof the following words: “and shall enter the record of such scaling operations in a book kept for that purpose in the mine office and cause it to be signed by each of the men who did the scaling.”

8 Edw. VII.,  
c. 21, s. 164,  
par. 31,  
amended.

Record to be  
kept of all  
scaling opera-  
tions.

7. Section 174 of the said Act is amended by substituting for the words “the agent or any contractor and” in the 3rd line thereof, the words “and the agent of the mine and any contractor or.”

8 Edw. VII.,  
c. 21, s. 174  
amended.

8. Subsection 1 of section 179 of the said Act is amended by substituting for the words “not exceeding \$50”, the words “of not less than \$100 nor more than \$1,000.”

8 Edw. VII.,  
c. 21, s. 179  
subs. 1  
amended.  
Penalty  
increased.

9. Subsection 2 of said section 179 is amended by substituting for the words “not exceeding \$10” the words “of not less than \$10 nor more than \$100.”

8 Edw. VII.,  
c. 21, s. 179,  
subs. 2,  
amended.

10. Subsection 3 of said section 179 is amended by substituting for “\$5,” the figures “\$100.”

8 Edw. VII.,  
c. 21, s. 179,  
subs. 3  
amended.

11. The said section 179 is further amended by adding thereto the following subsection:

8 Edw. VII.,  
c. 21, s. 179,  
amended.

(5) Where the offence is one which is calculated to endanger the safety of those employed in or about the mine or to cause serious personal injury or dangerous accident and was committed wilfully by the personal act, default or negligence of the accused, every owner, agent or other person who is guilty of an offence against Part IX of this Act shall, in addition to or in substitution for any pecuniary penalty that may be imposed, be liable to imprisonment with or without hard labour for a period not exceeding three months.

Imprisonment  
of offender  
against Part  
IX in certain  
cases.

## CHAPTER 18.

## An Act to amend the Temiskaming and Northern Ontario Railway Act.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

7 Edw. VII.,  
c. 18, s. 3  
amended.

1. Section 3 of *The Temiskaming and Northern Ontario Railway Act* passed in the 7th year of His Majesty's reign, Chaptered 18, is hereby amended by adding thereto the following subsection:

Establishment  
of Land  
Department.

(2) It shall be lawful for the Commission with the approval of the Lieutenant-Governor in Council to establish a Land Department to administer town sites and do such other work as shall be designated by the Commission; and it shall further be lawful for the Commission with such approval as aforesaid from time to time when deemed advisable to appoint one of the Commissioners to take the charge and oversight of such Department and to pay to such Commissioner while in charge of such Department such remuneration, in addition to the honorarium aforesaid as the Commission shall see fit not exceeding at the rate of \$1,500 per annum.

7 Edw. VII.,  
c. 18, s. 4  
amended.

2. Section 4 of the said Act is amended by adding thereto the following subsection:

(2) The Commission, subject to the approval and direction of the Lieutenant-Governor in Council may construct and operate an extension of said line of railway from a point at or near Charlton, the present terminus of the Charlton branch, in a westerly and southwesterly direction to a point at or near Gowganda and subject as aforesaid shall have and may exercise the like powers with respect to the extension authorized by this subsection as it has and may exercise with respect to the railway authorized by subsection 1 of this section.

3. Section 16 of said Act is amended by adding thereto the following subsections: 7 Edw. VII.,  
c. 18, s. 16  
amended.

(2) The Commission may from time to time at its option in lieu of expropriating land under the provisions of any such general Railway Act, expropriate such easements, rights of user and rights of support as shall be indicated in any notice to be given by the Commission in that behalf, and in any such case the compensation to the owners or other persons interested in any such lands shall be reasonable compensation for such easements, rights of user and rights of support. Expropriation  
of easements,  
etc.

(3) The railway of the Commission, including any branch lines, spurs or sidings, may be carried along or across existing highways upon leave therefor having been first obtained from the Ontario Railway and Municipal Board; and sections 90 to 97 inclusive of *The Ontario Railway Act, 1906*, shall apply to any such occupation of existing highways, and to the construction and use of any such railways carried along or across the same, and to any application for such leave. Carrying  
railways over  
highways.  
6 Edw. VII.  
c. 30.

## CHAPTER 19.

An Act to amend an Act passed in the 7th Year of His Majesty's Reign, Chaptered 19, intituled "An Act to provide for the transmission of Electrical Power to Municipalities," to validate certain contracts entered into with the Hydro-Electric Power Commission of Ontario, and for other purposes.

*Assented to 29th March, 1909.*

Preamble.

WHEREAS by Acts passed in the 6th and 7th years of His Majesty's Reign, Chaptered 15 and 19 respectively, and each intituled *An Act to provide for the transmission of Electrical Power to Municipalities*, it is amongst other things provided that under certain conditions and subject to certain provisions therein set forth a contract may be entered into and executed by the Hydro-Electric Power Commission of Ontario and any Municipal Corporation for the purposes mentioned in the said recited Acts; and whereas in intended pursuance of the said recited Acts a contract in the form set out in Schedule "A" to this Act has been executed by all the Corporations mentioned therein except the Corporations of Hamilton, Brantford, and Galt; and whereas the Municipal Council of the Corporation of Galt has approved of and has authorized the execution of the said contract by said Corporation; and whereas as appears by the said contract, it was contemplated that the Corporations of Hamilton and Brantford would also execute it, but they have not yet done so; and whereas owing to unforeseen causes it may become impossible to supply power by the 19th day of December, 1909, as provided in the said contract; and whereas doubts have been raised as to the validity and binding character of the said contract and as to the authority of the Councils of the said Corporations to authorize and direct the execution of the said contract and to bind the said Corporations thereby; and whereas the Corporations which have executed the said contract and the said Corporation of Galt, although it has not executed the said contract, are desirous that they shall have the benefits

fits of the provisions of the said recited Acts and of the said contract made available to them without delay and that their enjoyment of such benefits should not be postponed by unnecessary and vexatious litigation; and whereas the Corporation of Stratford and the Corporation of Hespeler have applied to vary the Schedule to the said contract as herein-after set forth; and whereas the Corporation of Ingersoll has applied to be added as parties to the said contract; and whereas it is expedient to remove such doubts and to validate the said contract as varied in the manner hereinafter provided:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Power Commission Amendment Act, 1909.* Short title.

2. The contract mentioned in the preamble to this Act and set out in the Schedule hereto shall be and the same is hereby varied,— Contract varied.

(a) By striking out the words “Hamilton” and “Brantford,” and all words and figures relating thereto;

(b) By striking out paragraph 16 thereof;

(c) By adding the Corporation of the Town of Ingersoll as one of the parties of the second part, and inserting in the said Schedule the word “Ingersoll” in column 1, and in columns 2, 5, 6 and 7 respectively opposite that word the figures “500, \$24, \$69,485, \$3,270”;

(d) By substituting opposite the word “Stratford” in said Schedule, for the figures in columns 2, 5, 6 and 7, the following figures, “1,000, \$27.10, \$173,580, \$8,120”; by substituting opposite the word “Hespeler” in said column 1 of said Schedule the figures “300” for “400,” and by substituting for the words and figures “19th day of December, 1909,” in clause (b) of paragraph one of the said contract the words and figures “19th day of March, 1910, or on any earlier day on which the Commission shall be prepared to supply the same;” and

(e) By adding to paragraph 11 the following words,  
“No power shall be supplied by any municipal corporation

corporation to any railway or distributing company, or any other corporation or person without the written consent of the Commission."

Contract as varied to be binding on certain municipal corporations.

3. Notwithstanding any provision of any by-law of the council of any of the corporations hereinafter in this section mentioned to the contrary, the said contract as so varied shall be and the same is hereby declared to be valid and binding according to the terms thereof upon the Corporation of the City of Toronto, the Corporation of the City of London, the Corporation of the City of Guelph, the Corporation of the City of Stratford, the Corporation of the City of St. Thomas, the Corporation of the City of Woodstock, the Corporation of the Town of Berlin, the Corporation of the Town of Galt, the Corporation of the Village of Hespeler, the Corporation of the Town of St. Mary's, the Corporation of the Town of Preston, the Corporation of the Town of Waterloo, the Corporation of the Village of New Hamburg, and the Corporation of the Town of Ingersoll.

Contract as varied confirmed.

4. It is hereby further declared and enacted that the validity of the said contract as so varied as aforesaid shall not be open to question and shall not be called in question on any ground whatever in any Court, but shall be held and adjudged to be valid and binding on all the corporations mentioned in section 3, and each and every of them according to the terms thereof as so varied as aforesaid and shall be given effect to accordingly.

Contract to be deemed to have been executed by town of Galt.

5. The said contract as so varied as aforesaid shall be treated and conclusively deemed to have been executed by the said Corporation of the Town of Galt.

Contract to be deemed to be a contract executed in corporations named.

6. The said contract as so varied as aforesaid shall be conclusively deemed to be a contract executed by the Corporations mentioned in section 3, within the meaning of the said recited Acts, and the Commission therein named may carry out and execute the same and shall have power and authority to do all acts necessary for that purpose, and it shall not be necessary that the said contract as so varied as aforesaid be approved of by the Lieutenant-Governor in Council.

Corporations to be deemed to have contracted with Commission.

7. The Corporations mentioned in section 3, and each and every of them shall be conclusively deemed to have entered into a contract with the Commission within the meaning of the said recited Acts, and to have and to be entitled to exercise all the powers mentioned in the said Acts, which are thereby conferred upon a Corporation which has entered into such a contract.



8. Every action which has been heretofore brought and is now pending wherein the validity of the said contract or any by-law passed or purporting to have been passed authorizing the execution thereof by any of the Corporations hereinbefore mentioned is attacked or called in question, or calling in question the jurisdiction, power or authority of the Commission or of any Municipal Corporation or of the Councils thereof or of any or either of them to exercise any power or to do any of the acts which the said recited Acts authorize to be exercised or done by the Commission or by a Municipal Corporation or by the Council thereof, by whomsoever such action is brought shall be and the same is hereby forever stayed.

Pending  
actions stayed.

9. The contract between the Hydro-Electric Power Commission of Ontario and The F. H. McGuigan Construction Company is hereby declared to be legal and valid, and the Commission may carry out and execute said contract, and, in addition to all other powers of the said Commission, the Commission shall have power and authority to do all acts necessary for the purposes of said contract.

Contracts for  
construction  
of works  
confirmed.

10. In addition to all other powers, the Commission may, by purchase, lease or otherwise or without the consent of the owners thereof or persons interested therein, acquire, enter upon and take possession of and use a right or easement to construct, erect, maintain and operate transmission lines with all other plant appliances and equipment required therefor to transmit electricity at such voltage as the Commission may determine, through, over, under along or across any lands and premises, public highways or public places, streams, waters, water-courses, bridge, viaduct or railway.

Commission  
may acquire  
easements.

11. Where a municipal corporation not a party to the contract set forth in Schedule A, as varied by this Act applies for a supply of power and a question has been heretofore or is hereafter submitted to the vote of the electors of the municipality pursuant to paragraph 1a of section 533 of *The Consolidated Municipal Act, 1903*, and the amendments thereto, including the amendment made during the present session as to a supply of electric power from the Commission and the electors have voted in favour of a supply from the Commission, the council of the corporation of such municipality may authorize the entering into and such corporation may enter into a contract with the Commission in the form set forth in the said schedule or with such variations thereof as may be approved by the Lieutenant-Governor in Council, without submitting a by-law approving the same

Municipality  
may make  
contracts when  
authorized by  
vote of electors.

7 Edw. VII.,  
c. 19.

same for the assent of the electors as provided by sub-section 1 of section 13 of *The Power Commission Act*, and when executed such contract shall be legal, valid and binding.

Debentures  
may be issued  
within two  
years.

12. Notwithstanding anything contained in the by-law of the council of any of the municipalities mentioned in section 3, it shall be sufficient if the debentures thereby authorized are issued within two years from the passing of the by-law.

7 Edw. VII.,  
c. 19, s. 25, subs.  
1, amended.

13. Subsection 1 of section 25 of *The Power Commission Act* is amended by striking out of the fourth and fifth lines thereof, the words "Section 8 of Chapter 3 of The Revised Statutes of Ontario, 1897," and substituting therefor the words "Section 7 of *The Interpretation Act*."

8 Edw. VII.,  
c. 22, short title.

14. The Act passed in the 8th year of His Majesty's reign, Chaptered 22, intituled *An Act to validate certain By-laws passed and contracts made pursuant to An Act to provide for the transmission of Electrical Power to Municipalities*, may be cited as *The Power Commission Amendment Act, 1908*.

#### SCHEDULE "A."

This Indenture, made the 4th day of May, 1908, between The Hydro-Electric Power Commission of Ontario, acting herein on its own behalf and with the approval of the Lieutenant-Governor in Council, (hereinafter called the Commission), party of the First Part, and The Municipal Corporations of Toronto, Hamilton, London, Brantford, Guelph, Stratford, St. Thomas, Woodstock, Berlin, Galt, Hespeler, St. Marys, Preston, Waterloo and New Hamburg, (hereinafter called the Corporations), party of the Second Part.

Whereas, pursuant to *An Act to Provide for Transmission of Electrical Power to Municipalities*, the Corporations applied to the Commission to transmit and supply such power from Niagara Falls, and the Commission entered into contracts, hereto attached, with the Ontario Power Company of Niagara Falls, (hereinafter called the Company), for such power at the prices set forth in the schedule hereto attached, and the Commission furnished the Corporations with estimates, as shown in said schedule, of the total cost of such power, ready for distribution within the limits of the Corporations, and the electors of the Corporations assented to by-laws authorizing the Corporations to enter into a contract with the Commission for such power, and the Commission have estimated the line loss and the cost to construct, operate, maintain, repair, renew and insure a line to transmit, nominally, 30,000 horse power with total capacity of 60,000 horse power of such power to the Corporations, and have apportioned the part of such cost to be paid by each Corporation as shown in said schedule;

Now, therefore, this Indenture witnesseth that in consideration of the premises and of the agreements of the Corporations herein set forth, subject to the provisions of said Act and of the said contracts, the Commission agrees with the Corporations respectively:—

1.—(a) To construct a line to transmit the quantities of electric power shown in column 2 of the said schedule from Niagara Falls to the Corporations shown in column 1, respectively.

(b) On the 19th day of December, 1909, to supply said power in quantities set forth in column 2 of said schedule, or as a minimum 40 per cent. less, if written notice of minimum required is given on or before 19th July, 1909, to the Corporations within the limits thereof, ready for distribution at approximately the number of volts set forth in column 4 of said schedule, and approximately 25 cycles per second frequency.

(c) At the expiration of three months' written notice, which may be given by the Corporations or any of them from time to time during the continuance of this agreement, to supply from time to time to the Corporations in blocks of not less than 1,000 horse power each, additional power until the total amount so supplied shall amount to 30,000 horse power.

(d) At the expiration of nine months' like notice which may be given by the Corporations or any of them from time to time during the continuance of this agreement, to supply from time to time to the Corporations in blocks of not less than 1,000 horse power each, additional power until the total amount so supplied shall amount to 100,000 horse power.

(e) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Corporations.

In consideration of the premises and of the agreements herein set forth each of the Corporations for itself, and not one for the other, agrees with the Commission:—

2.—(a) Subject to the provisions of paragraph 2 (a), hereof, to pay the Commission for the quantities of power shown in column 2 of said schedule, or 40 per cent. less as a minimum, to be supplied at said date, and for such additional power supplied or held in reserve upon such notices, the price set forth in column 3 of said schedule in twelve monthly payments, in gold coin of the present standard of weight and fineness, and bills shall be rendered by the Commission on or before the fourth and paid by the Corporations on or before the fifteenth of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of such power to the Corporation in default until said bill is paid. No such discontinuance shall relieve the Corporation in default from the performance of the covenants, provisoes, and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(b) To take electric power exclusively from the Commission during the continuance of this agreement; provided, if the Commission is unable to supply said power as quickly as required, the Corporations may obtain the supply otherwise until the Commission has provided such supply, thereupon the Corporations shall immediately take from the Commission; and the Corporations may generate, store or accumulate electric power for emergencies, or to keep down the peak load of the power taken from the Commission; and nothing herein contained shall affect existing contracts between the Corporations and other parties for a supply of electric power, but the Corporations shall determine said contracts at the earliest date possible.

(c) To pay, annually, interest at four per cent. per annum upon its proportionate part of the moneys expended by the Commission on capital account for the construction of the said line, transformer stations and other necessary works shown, respectively, in column 6 of said schedule, subject to adjustment under paragraph 10.

(d) To pay an annual sum for its proportionate part of the cost of the construction of said line, stations and works, shown, respectively, in column 6 of said schedule, subject to adjustment under paragraph 10, so as to form in thirty years a sinking fund for the retirement

retirement of the securities to be issued by the Province of Ontario.

(e) To bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said line, stations and works, shown, respectively, in column 7 of said schedule, subject to adjustment under paragraph 10.

(f) To keep, observe and perform the covenants, provisos and conditions set forth in said contracts, intended by the Commission and the Company to be kept and observed and performed by the Corporations.

(g) To pay for three-fourths of the power supplied and held in reserve at said date and upon said notices, whether the said power is taken or not, and when the greatest amount of power taken for twenty consecutive minutes in any month shall exceed three-fourths of the amount during such twenty consecutive minutes, so supplied and held in reserve, to pay for this greater amount during that entire month. When the power factor of the greatest amount of power taken for said twenty minutes falls below 90 per cent., the Corporations shall pay for 90 per cent. of said power divided by the power factor.

(h) To take no more power than the amount to be supplied and held in reserve at said date and upon said notices.

(i) To use at all times first-class, modern, standard, commercial apparatus and plant to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Commission and the Company.

3. If, as therein provided, the said contracts are continued until 19th December, 1939, this agreement shall remain in force until that date.

4. Said power shall be three phase, alternating, commercially continuous twenty-four hour power every day of the year except as provided in paragraph 6 hereof, and shall be measured by curve-drawing meters, subject to test as to accuracy by either party hereto.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporations and take records at all reasonable times on giving to the Corporations six hours' notice of the intention to make such inspection. The Corporations shall have a like right on giving a like notice to inspect the apparatus, plant and property of the Commission.

6. In case the Commission or the Company shall at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporations shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, riot, fire, invasion, explosion, act of God or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such time and the Corporations shall not be bound to pay the price of said power at Niagara Falls during such time, but the Corporations shall continue to make all other payments, but as soon as the cause of such interruption is removed the Commission shall without any delay supply said power as aforesaid and the Corporations shall take the same and each of the parties hereto shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If, and so often as, any interruption shall occur in the service of the Company due to any cause or causes, other than those provided for by the next preceding paragraph hereof, the Commission shall recover and pay to the Corporations as liquidated and ascertained damages, and not by way of penalty, as follows: For any interruption less than one hour double the amount payable for power which should have been supplied during the time of such interruption

interruption; and for any interruption of one hour or more, the amount payable for the power which should have been supplied during the time of such interruption and twelve times the last mentioned amount in addition thereto, and all moneys payable under this paragraph when the amount thereof is settled between the Commission and the Company may be deducted from any moneys payable by the Corporations to the Commission, but such right of deduction shall not in any case delay the said monthly payments.

8. The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the sub-station in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporations, their agents, customers, apparatus, appliances and circuits.

9. In case any municipal corporation, or any person, firm or corporation which shall contract with the Commission or with any municipal corporation for a supply of power furnished to the Commission by the Company shall suffer damages by the act or neglect of the Company, and such municipal corporation, person, firm or corporation would, if the Company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceeding or bring such action for or on behalf of such municipal corporation, person, firm, or corporation, and notwithstanding any acts, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such municipal corporation, person, firm or corporation, including the right to recover such damages, but no action shall be brought by the Commission until such municipal corporation, person, firm or corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceeding or action is unsuccessful. The rights and remedies of any such municipal corporation, person, firm or corporation shall not be hereby prejudiced.

10. The Commission shall at least annually adjust and apportion the amounts payable by municipal corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining repairing, renewing and insuring the line and works.

11. If at any time, any other municipal corporation, or pursuant to said Act, any railway or distributing company or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporations, parties hereto, in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the prices to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporations, parties hereto, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said line is not adequate for such supply, or if the supply of the Corporations, parties hereto, will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application, without the written consent of such Corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation

corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof.

12. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporations and other municipal corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporations and other municipal corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

13. Each of the Corporations agrees with the other:—

(a) To take electric power exclusively from the Commission during the continuance of this agreement, subject to the provisos above set forth in paragraph 2 (b).

(b) To co-operate, by all means in its power, at all times, with the Commission, to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement and of the said Act.

14. If differences arise between the Corporations the Commission may upon application fix a time and place to hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under *The Act respecting Enquiries concerning Public Matters*.

15. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

16. Notwithstanding anything hereinbefore contained this agreement shall not come into operation as against the Commission or be binding upon the Commission until, in addition to any other orders-in-council, pursuant to said Act, an order-in-council has been passed and approved by the Lieutenant-Governor in Council expressly declaring that this agreement shall from the date of such order-in-council be binding upon the Commission.

In witness whereof the Commission and the Corporations have respectively affixed their corporate seals and the hands of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK.  
JOHN S. HENDRIE.  
W. K. McNAUGHT.

(L.S.)

THE CORPORATION OF THE CITY OF TORONTO.

JOSEPH OLIVER,  
Mayor.  
R. T. COADY,  
Treasurer.

(L.S.)

THE CORPORATION OF THE CITY OF LONDON.

S. STEVELY,  
Mayor.  
S. BAKER,  
Clerk.

(L.S.)

THE CORPORATION OF THE CITY OF GUELPH.

JOHN NEWSTEAD,  
Mayor.  
T. J. MOORE,  
City Clerk.  
THE

(L.S.)

	THE CORPORATION OF THE CITY OF STRATFORD.
(L.S.)	W. S. DINGMAN, Mayor. R. R. LANG, City Clerk.
	THE CORPORATION OF THE CITY OF ST. THOMAS.
(L.S.)	GEO. GEDDES, Mayor. S. O. PERRY, City Treasurer.
	THE CORPORATION OF THE CITY OF WOODSTOCK.
(L.S.)	R. G. SAWTELL, Mayor. JOHN MORRISON, City Clerk.
	THE CORPORATION OF THE TOWN OF BERLIN.
(L.S.)	ALLEN HUBER, Mayor. A. H. MILLAR, Clerk.
	THE CORPORATION OF THE TOWN OF HESPELER.
(L.S.)	G. D. FORBES, Mayor. WINFIELD BREWSTER, Clerk.
	THE CORPORATION OF THE TOWN OF ST. MARYS.
(L.S.)	JOHN WILLARD, Mayor. L. HARSTONE, Clerk.
	THE CORPORATION OF THE TOWN OF PRESTON.
(L.S.)	FREDERICK CLARE, Mayor. H. C. EDGAR, Clerk and Treasurer.
	THE CORPORATION OF THE TOWN OF WATERLOO.
(L.S.)	I. B. FISCHER, Mayor. A. B. MCBRIDE, Clerk.
	THE CORPORATION OF THE VILLAGE OF NEW HAMBURG.
(L.S.)	J. F. KATZENMEIER, Reeve. WILLIAM MILLER, Clerk.
	THE CORPORATION OF THE TOWN OF INGERSOLL.
(L.S.)	GEORGE SUTHERLAND, Mayor. W. R. SMITH, Clerk.



## SCHEDULE B

Column 1.	2.	3.	4.	5.	6.	7.
Name of Municipal Corporation.	Quantity of power applied for in H. P.	Maximum price of power at Niagara Falls.	No. of volts.	Estimate maximum cost of power ready for distribution in municipality.	Estimate proportionate part of cost to construct transmission line, transformer stations and works for nominally 30,000 H. P., with total capacity of 60,000 H. P.	Estimate proportionate part of line loss and of part cost to operate, maintain, repair, renew and insure transmission line, transformer stations and works for nominally 30,000 H. P., with total capacity of 60,000 H. P.
Toronto.....	10,000	\$9.40 for power at 12,000 volts until 25,000 H. P. or more are taken, then \$9.00 for all. \$10.40 for power at 60,000 volts until 25,000 H. P. or more are taken, then \$10.00 for all. If power taken at higher voltage, price to be fixed by arbitration.	Number required by each Corporation.	\$18.10	\$828,080	\$38,970
Hamilton.....	1,500			17.50	115,650	5,442
London.....	5,000			23.50	671,080	31,578
Brantford ....	1,500			21.50	172,770	8,134
Guelph.....	2,500			24.00	347,420	16,350
Stratford.....	1,500			24.50	215,600	10,146
St. Thomas....	1,500			26.50	244,140	11,490
Woodstock....	1,200			23.00	155,350	7,310
Berlin.....	1,000			24.00	138,970	6,540
Galt.....	1,200			22.00	143,920	6,773
Hespeler.....	400			26.00	63,200	2,974
St. Mary's....	500			29.50	95,677	4,502
Preston.....	600			23.50	80,530	3,789
Waterloo.....	685			24.50	98,460	4,630
New Hamburg.	250			29.50	47,830	2,251



## CHAPTER 20.

An Act to amend the Act to provide for Development of Water-power at Dog Lake.

*Assented to 29th March, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of the Act passed in the 8th year of His Majesty's reign, Chaptered 24, is amended by striking out the figures "\$20,000" in the third line and substituting the figures "\$40,000" therefor, and by adding after the word "Commission" in the last line of such section, the words, "or of the Department in charge of the work."

8 Edw. VII,  
c. 24, s. 4  
amended.

Report before  
payment of  
cost of work.

## CHAPTER 21.

An Act respecting Municipal Debentures issued for  
Drainage Works.*Assented to 13th April, 1909.***SHORT TITLE, s. 1.**TOWNSHIP UNDERTAKING DRAIN-  
AGE WORKS MAY APPLY FOR  
SALE OF DEBENTURES, s. 2.PROVINCIAL TREASURER TO RE-  
PORT AS TO INVESTMENT, ss.  
3, 4.

INVESTMENT, ss. 5, 6.

DEBENTURES NOT TO BE QUES-  
TIONED AFTER INVESTMENT  
MADE, s. 7.REMITTANCE OF AMOUNT PAYABLE  
ON DEBENTURES TO THE PRO-  
VINCIAL TREASURER, s. 8.

REGULATIONS AND FORMS, s. 9.

REPEAL, s. 10.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

Short Title.

1. This Act may be cited as "*The Municipal Drainage  
Aid Act.*" R.S.O. 1897, c. 40, s. 1.

Townships  
and counties  
undertaking  
drainage  
works may  
apply to  
the Provincial  
Treasurer for  
purchase of  
debentures.  
Rev. Stat.  
c. 226.

2.—(1) The Council of a Township which has passed a  
by-law for undertaking a work under the provisions of *The  
Municipal Drainage Act*, may, after the expiration of the  
time limited for serving notice of intention to make appli-  
cation to quash the by-law, apply to the Treasurer of the  
Province for the purchase by the Province of the deben-  
tures authorized thereby.

Form of  
application.

(2) The application shall be in the prescribed form  
and shall be sealed with the seal of the Municipality,  
and signed by the Head thereof, and shall be accompanied  
by two affidavits, in the prescribed form, one to be made  
by him and the other by the Clerk of the Municipality.  
R. S. O. 1897, c. 40, s. 2.

3.

3. The Treasurer shall investigate and report to the Lieutenant-Governor in Council as to the propriety of all proposed investments, in the order in which the applications therefor are received. R.S.O. 1897, c. 40, s. 3.

Treasurer to report as to investment.

4. The Treasurer shall not certify to the propriety of an investment where the aggregate amount of the rates necessary for the payment of the annual expenses of the Municipality for the last completed financial year and of the interest and principal of the debts contracted by it exceeds three cents in the dollar on the whole value of the rateable property within its jurisdiction, or where the amount of the debentures to be issued exceeds \$30,000; and the amount invested in the purchase of debentures of any Municipality shall not at any one time exceed \$20,000. R.S.O. 1897, c. 40, s. 4.

When the Treasurer not to certify to propriety of investment.

5. The Lieutenant-Governor in Council may authorize the investment of any surplus of the Consolidated Revenue Fund, not exceeding in the whole at any time \$350,000, in the purchase of debentures, in respect of which the Treasurer certifies to the propriety of the investment. R.S.O. 1897, c. 40, s. 5.

Purchase of debentures.

6. The Lieutenant-Governor in Council may authorize the advance of the whole par value of the debentures, or the retention of such percentage thereof as he may see fit until the Minister of Public Works has reported that the works have been inspected and are completed; and the expenses in connection with the investigation and inspection shall be deducted from the amount (if any) retained. R.S.O. 1897, c. 40, s. 6.

Lieutenant-Governor may advance whole or part.

7. After such investment, the debentures shall not be questioned in any Court and shall be valid and binding according to the terms thereof. R.S.O. 1897, c. 40, s. 7.

When debentures unquestionable.

8.—(1) The amount payable in each year for principal and interest shall be remitted by the treasurer of the municipality to the Treasurer of the Province within one month after the same became payable, together with interest at the rate of 7 per centum per annum during the time of any default in payment.

Amount payable under by-law to be remitted to Provincial Treasurer

(2) In case of a continuance of such default the Council in the next ensuing year or as the case may require shall assess and levy on the whole rateable property within its jurisdiction in the same manner in which taxes are levied for the general purposes of the municipality a sum, over and above the other valid debts of the corporation falling due within the year, sufficient to enable the treasurer to pay the amount in arrear together with interest thereon at the rate of 7 per centum per annum from the time the same

Consequence of default in payment.

same became payable until payment, whether or not the same has been previously paid by or recovered from the persons or lands chargeable therewith.

Arrears to be a first charge on municipal funds.

(3) The amount so in arrear and the interest shall be the first charge upon all the funds of the municipality other than sinking funds, for whatever purpose or under whatever by-law they may have been raised.

Duty of municipal treasurer after default.

(4) No treasurer or other officer shall after such default pay out of the funds of the municipality any sum, except for the ordinary current disbursements and salaries of clerks and other employees of the municipality or debts due to the Province, until the amount so in arrear and the interest has been paid to the Treasurer of the Province.

Liability of municipal officers.

(5) If such treasurer or other officer pays any sum contrary to the provisions of the next preceding subsection, in addition to any criminal liability which he may thereby incur, he shall be personally liable for every sum paid as for money had and received by him for the Crown.

Penalty for violation.

(6) Any member of the council who wilfully or negligently permits any of the foregoing provisions to be violated shall also be personally and individually liable for the full amount so in arrear and the interest, to be recovered as for money had and received by him for the Crown.

Liability of lands to municipality not affected.

(7) No assessment, levy or payment made under this section shall exonerate the persons or lands chargeable under the by-law from liability to the municipality. R.S.O. 1897, c. 40, s. 8. *Amended.*

Regulations and forms.

9. The Lieutenant-Governor in Council may make regulations and prescribe forms for the carrying out of the provisions of this Act. (*New.*)

Repeal.

10. Chapter 40 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed.

## CHAPTER 22.

An Act respecting Tile, Stone and Timber Drainage  
Debentures.*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.	PROVISIONS AS TO LOANS, ss. 12-14.
BORROWING POWERS OF COUNCILS, s. 2.	INSPECTOR OF DRAINAGE, ss. 15, 16.
BY-LAWS, s. 3.	SPECIAL RATES, s. 17.
DEBENTURES, ss. 4-6.	OWNER MAY DISCHARGE INDEBTEDNESS, s. 18.
PROVINCIAL TREASURER TO REPORT AS TO INVESTMENT, s. 7.	RETURNS TO GOVERNMENT, s. 19.
APPLICATION TO BORROW FROM COUNCIL, s. 8.	AMOUNT DUE TO BE REMITTED ANNUALLY TO PROVINCIAL TREASURER, s. 20.
ISSUE OF DEBENTURES, s. 9.	POWER OF LIEUTENANT-GOVERNOR TO MAKE REGULATIONS, s. 21.
PURCHASE OF DEBENTURES, s. 10.	REPEAL, s. 22.
DEBENTURES NOT TO BE QUESTIONED, s. 11.	

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Tile Drainage Act.*" Short title. R.S.O. 1897, c. 41, s. 1.

2.—(1) The Council of a Town, Village or Township may pass by-laws, Form 1, for borrowing for the purposes hereinafter mentioned, in sums of not less than \$2,000, and not exceeding \$10,000, such amount as they may deem expedient, and for issuing therefor debentures of the municipality, Form 2, in sums of \$100 each, payable within twenty years from the 1st day of August in the year in which the money is borrowed from the municipality as is hereinafter provided, and bearing interest at the rate of four per centum per annum, and it shall not be necessary to obtain the assent of the electors to any such by-law before the passing thereof.

Borrowing;  
powers of  
Councils.

Limit of borrowing power.

(2) The amount of the indebtedness of the municipality in respect of money so borrowed and remaining unpaid, including the amount provided for in any by-law being passed, shall not at any time exceed \$10,000; nor shall a by-law be passed except at a meeting of the Council specially called for the purpose of considering it, and held not less than four weeks after a notice, Form 3, of the day appointed for the meeting has been published in such newspaper as the Council by resolution may direct. R.S.O. 1897, c. 41, s. 2.

Special meeting for considering by-law.

Publication of by-law.

3.—(1) After the passing of the by-law a copy of it shall be published in such public newspaper published in the municipality or in the county town or in an adjoining or neighbouring municipality as the Council may by resolution designate and in at least one number of such newspaper each week for three successive weeks.

Notice to be attached to by-law.

(2) To each copy of the by-law shall be appended a notice, Form 4.

When by-law to be valid.

(3) If notice of an application to quash the by-law or any part thereof is not given within twenty days after the last publication under this section, or, if given, the application is not made within one month after such last publication the by-law shall not be questioned in any Court and shall be valid and binding according to the terms thereof. (*New.*) See R.S.O., 1897, c. 41, s. 3.

Issue and sale of debentures.

4. The debentures may be issued and sold by the municipality from time to time, for the purpose only of lending the proceeds thereof for tile, stone or timber drainage, as hereinafter provided, as money is required for that purpose. R.S.O. 1897, c. 41, s. 4.

Debentures.

5. The debentures shall be made payable to the Treasurer of the Province, or his order, and shall have twenty coupons attached, each of which shall be for the sum of seven dollars and thirty-six cents. R.S.O. 1897, c. 41, s. 5.

Application for sale of debentures.

6.—(1) The Council, after the expiration of one month from the last publication under section 3, may deposit with the Treasurer of the Province a copy of the by-law, with affidavits of the Head and Clerk of the municipality, Forms 5 and 6, and may at any time thereafter apply for the purchase by the Province of the debentures authorized thereby.

Application to be signed and sealed.

(2) The application shall be sealed with the seal of the municipality and signed by the Head thereof, and shall specify the names of the persons to whom the money is to be lent. R.S.O. 1897, c. 41, s. 6.

7. The Treasurer shall investigate and report to the Lieutenant-Governor in Council as to the propriety of all proposed investments in the order in which the applications therefor are received. R.S.O. 1897, c. 41, s. 7.

Treasurer  
to report to  
Lieutenant-  
Governor in  
Council.

8.—(1) A person assessed as owner, and being the actual owner of land in the municipality, desiring to borrow money for the purpose of tile, stone or timber drainage may make application, Form 7, to the Council.

Application  
for loan.

(2) The application shall not be acted upon unless it is accompanied by a declaration of the applicant stating that he is the actual owner of the land mentioned in the application, and that the same is free from encumbrance, or if the land or any part of it is mortgaged or otherwise encumbered, stating the amount of such mortgage or encumbrance and the name and address of the mortgagee or encumbrancer, and where it has been assigned, the name of the assignee of the mortgage or encumbrance with his address.

Statutory  
declaration of  
applicant.

(3) Where it appears that there is a mortgage or encumbrance upon the land or any part of it the application shall not be disposed of until two weeks after the mortgagee, encumbrancer or assignee has been notified of the application, by registered letter sent to him by the Clerk to his last known address. R.S.O. 1897, c. 41, s. 9.

Notice to en-  
cumbrancer.

9. If the application is granted the Council may issue debentures for such sum within the amount authorized by this Act and by the by-law of the municipality, as they may deem proper, but not exceeding the sum applied for, nor exceeding seventy-five per centum of the estimated cost of such drainage. R.S.O. 1897, c. 41, s. 9.

Issuing de-  
bentures.

10. The Lieutenant-Governor in Council may authorize the investment of any surplus of the Consolidated Revenue Fund, not exceeding in the whole at any time \$200,000 in the purchase of debentures issued under such by-laws in respect of which the Treasurer of the Province shall have certified to the propriety of the investment. R.S.O. 1897, c. 41, s. 10.

Purchase of  
debentures out  
of Cons. Rev.  
Fund.

11. After such investment, the debentures shall not be questioned in any Court and shall be valid and binding according to the terms thereof. R.S.O. 1897, c. 41, s. 11.

Debentures  
declared un-  
questionable.

12.—(1) The Council shall lend the money so borrowed only for the purpose of tile, stone or timber drainage and for a term of twenty years, in sums of one or more hundreds of dollars to persons entitled to borrow.

How and to  
whom loans to  
be made.

(2) No part of the money so borrowed shall be lent to any member of the Council, but a person having so borrowed

Non-disquali-  
fication of  
borrowers.

rowed from a municipality shall not by reason thereof be disqualified from being afterwards elected a member of the Council. R.S.O., 1897, c. 41, s. 12.

Limit of amount to be loaned.

13.—(1) The Council shall not lend to any person a sum which will require the levying of a greater annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the land in respect of which the money is borrowed. R.S.O. 1897, c. 41, s. 13, *part*.

Value of land, how determined.

(2) For the purposes of this section the value of the land shall be determined by the last revised assessment roll, and the general annual rate by the general rate imposed for the year in which the money is borrowed from the municipality. (*New*.)

Limit of total amount to be loaned.

(3) Not more than \$1,000 shall be lent to one person. R.S.O. 1897, c. 41, s. 13, *part*.

Order in which loans are to be granted.

14. The Council shall consider the applications in the order in which they are made, and shall lend the money in the same order to the persons whose applications shall have been approved. R.S.O. 1897, c. 41, s. 14.

Appointment of Inspector.

15. A Council borrowing money under this Act shall employ a competent Inspector of Drainage, the cost of whose services and whose expenses shall be apportioned rateably against the works carried on under his inspection, and shall be paid by the Council out of the money borrowed. R.S.O. 1897, c. 41, s. 15.

Inspector's report.

16.—(1) On the completion of any drainage works under his charge the Inspector shall report to the Council the number of rods of drain constructed on each lot or parcel of land, the cost per rod, and such other particulars as may be required by the Council.

Money not to be advanced until report made.

(2) The report shall be entered in a book provided by the Council, and the money shall not be advanced by the Council until the report of the due completion of the work has been so made. R.S.O. 1897, c. 41, s. 16.

No advance to borrower till report made. Special annual rates.

17. The Council shall impose by by-law, Form 8, and shall levy and collect for the term of twenty years, over and above all other rates upon the land in respect of which the money is lent, a special annual rate of seven dollars and thirty-six cents for each \$100 lent; and the rate shall be collected in the same manner as other special rates imposed under *The Consolidated Municipal Act, 1903*. R.S.O. 1897, c. 41, s. 17.

3 Edw. VII., c. 19.

Owner may discharge his indebtedness.

18. The owner of land in respect of which money has been borrowed, may at any time obtain the discharge of the indebtedness, by paying to the treasurer of the municipality



cipality the amount borrowed, with interest thereon at the rate of four per centum per annum less any sum already paid on account of principal and interest; and upon the same being paid to the treasurer, he shall forthwith transmit it to the Treasurer of the Province, who shall apply it towards payment of the debentures of the municipality. R.S.O. 1897, c. 41, s. 18.

19. A Council which has borrowed money shall, on or before the 15th day of January in each year, make a return to the Provincial Secretary, shewing, for the year which ended on the 31st day of December next preceding, the amount expended in drainage, the number of rods of drain constructed, the names of the borrowers, the land upon which the money has been lent, the names of the persons whose applications have been refused and the reasons in each case for the refusal. R.S.O. 1897, c. 41, s. 19.

Returns to Lieutenant-Governor in Council by Municipal Council.

20.—(1) The amount payable in each year for principal and interest shall be remitted by the treasurer of the municipality to the Treasurer of the Province within one month after the same became payable together with interest at the rate of 7 per centum per annum during the time of any default in payment.

Amount payable under by-law to be remitted to Provincial Treasurer.

(2) In case of a continuance of such default the Council in the next ensuing year or as the case may require shall assess and levy on the whole rateable property within its jurisdiction, in the same manner in which taxes are levied for the general purposes of the municipality, a sum over and above the other valid debts of the corporation falling due within the year sufficient to enable the Treasurer to pay the amount in arrear together with interest thereon at the rate of 7 per centum per annum from the time the same became payable until payment whether or not the same has been previously paid by or recovered from the persons or lands chargeable therewith.

Consequence of default in payment.

(3) The amount so in arrear and the interest shall be the first charge upon all the funds of the municipality other than sinking funds, for whatever purpose or under whatever by-law they may have been raised.

Arrears to be a first charge on municipal funds.

(4) No treasurer or other officer shall after such default pay out of the funds of the municipality any sum except for the ordinary current disbursements, and salaries of clerks and other employees of the municipality or debts due to the Province until the amount so in arrear and the interest has been paid to the Treasurer of the Province.

Duty of municipal treasurer after default.

(5) If such treasurer or other officer pays any sum contrary to the provisions of the next preceding subsection, in addition to any criminal liability which he may thereby incur, he shall be personally liable for every sum paid as for money had and received by him for the Crown.

Liability of municipal officers.

Penalty for  
violation.

(6) Any member of the Council who wilfully or negligently permits any of the foregoing provisions to be violated shall also be personally and individually liable for the full amount so in arrear and the interest, to be recovered as for money had and received by him for the Crown.

Liability of  
lands to  
municipality  
not affected.

(7) No assessment, levy or payment made under this section shall exonerate the persons or lands chargeable under the by-law from liability to the municipality. R.S.O. 1897, c. 41, s. 20. *Amended.*

Power of  
Lieutenant-  
Governor to  
make regu-  
lations.

21. The Lieutenant-Governor in Council may make regulations and prescribe forms for the carrying out of the provisions of this Act; and, subject thereto, the forms in the Schedule hereto shall be used. (*New.*)

Repeal.

22. Chapter 41 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed.

## SCHEDULE.

## FORM 1.

(Section 2.)

## FORM OF BY-LAW.

## By-law No.

A By-law to raise \$ to aid in the construction of tile, stone or timber drains.

The Council of the Municipality of , pursuant to the provisions of *The Tile Drainage Act*, enacts as follows:

1. That the Reeve (or Mayor) may from time to time, subject to the provisions of this by-law, borrow on the credit of the corporation of the said Municipality such sum not exceeding in the whole \$ , as may be determined by the Council, and may in manner hereinafter provided, issue debentures of the said corporation in sums of \$100 each for the amount so borrowed, with coupons attached as provided in section 5 of the said Act.

2 That when the Council shall be of opinion that the application of any person to borrow money for the purpose of constructing a tile, stone or timber drain should be granted in whole or in part, the Council may, by resolution, direct the Reeve (or Mayor) to issue debentures as aforesaid, and to borrow a sum not exceeding the amount applied for, and may lend the same to the applicant on the completion of the drainage works.

3. A special annual rate shall be imposed, levied and collected over and above all other rates upon the land in respect of which the said money shall be borrowed, sufficient for the payment of the principal and interest as provided by the Act.

Passed the day of 19

A. B.,  
Reeve (or Mayor).

C. D.,  
Clerk.

(Corporate  
seal.)

R.S.O. 1897, c. 41, Form 1, Sched.

## FORM 2.

(Section 2.)

## FORM OF TILE DRAINAGE DEBENTURE.

\$100.

No.

Drainage Debenture of the of of  
The Corporation of the of in the County of  
hereby promises to pay to the Treasurer  
of Ontario or order at the Bank of in the  
of , the sum of \$100 of lawful money of Canada, and interest thereon at five per cent. in twenty equal annual instalments of \$7.63 each, the first of such instalments to be paid on the day of 19 , pursuant to By-law No. intituled "A By-law to raise \$ to aid in the construction of Tile, (Stone or Timber) drains."

(Corporate seal.)

A. B.,  
Reeve (or Mayor).

G. H.,  
Treasurer.

FORM

## FORM OF COUPON.

Coupon for twentieth Annual In-			
stalment of		Drainage Deben-	
ture No. 1, issued under By-law No.			
of the		of	
\$7.36 payable at the Bank of			
in the	of	on	
day of	19	.	
A. B.,		G. H.,	
Reeve (or Mayor).		Treasurer.	

R.S.O. 1897, c. 41, Form 5, Sched

## FORM 3.

(Section 2.)

## NOTICE OF MEETING TO CONSIDER BY-LAW.

Take notice that a By-law for raising \$ under the provisions of *The Tile Drainage Act*, will be taken into consideration by the Municipal Council of the of at the of , on the day of , 19 , at the hour of o'clock in the noon.

C. D.,  
Clerk.

R.S.O. 1897, c. 41, Form 6, Sched.

## FORM 4.

(Section 3.)

## NOTICE.

Municipality of the of

Take notice that the above is a true copy of a By-law passed by the Municipal Council of the of on the day of 19 , and all persons are required to take notice that any one who desires to apply to have such By-law or any part thereof quashed must serve notice of his application upon the Head or Clerk of this municipality within twenty days after the date of the last publication of this notice, and must make his application to the High Court of Justice within one month after the said date. This notice was first published on the day of 19 , and the last publication will be on the day of 19 .

A. B.,  
Clerk.

FORM

## FORM 5.

(Section 6.)

## AFFIDAVIT OF HEAD OF MUNICIPALITY.

County of                    } I,   of the  
                   TO WIT:    } of                                       in the County of

Reeve (or Mayor) of the   of   make  
 oath and say:

I have not been served with any notice of intention to make  
 application to quash a by-law passed on the   day of  
   19   , by the Municipal Council  
 of the said   of   No.  
 intituled (*insert the title of by-law*), nor have I been served with  
 any notice of intention to make application to quash any part of  
 the by-law, nor with any notice to that or the like effect.

Sworn, etc.

A. B.

R.S.O. 1897, c. 41, Form 2, Sched.

## FORM 6.

(Section 6.)

## AFFIDAVIT OF CLERK.

County of                    } I,   of  
                   TO WIT:    }   in the County of

Clerk of the said   of   make  
 oath and say:

1. On the   day of   19   ,  
 the Municipal Council of the said   of     
 at a meeting specially called for that purpose passed a by-law for  
 borrowing money to be lent for the construction of tile, stone or  
 timber drains, being No.   and intituled (*insert title*  
*of by-law*), a copy of which certified by me is now shewn to me  
 marked "A."

2. Notice of the meeting was given by publication on (*insert here*  
*the dates of publication*) in the (*insert names of newspapers*), copies  
 of which newspapers are shewn to me and marked "B," "C," and  
 "D."

3. A notice, a copy of which is now shewn to me marked "E," was  
 published on (*insert here the dates of publication*), in the (*insert*  
*name of newspaper*), being the newspaper in which the Council did  
 by resolution direct the publication thereof, copies of which news-  
 paper containing the said notice are now shewn to me, and marked  
 "F," "G," and "H."

4. I have not been served with any notice of intention to make  
 application to quash the said by-law, or any part thereof, nor with  
 any notice to that or the like effect.

Sworn, etc.

C. D.

R.S.O. 1897, c. 41, Form 3, Sched.

FORM



## CHAPTER 23.

## An Act to amend The Act respecting Agricultural Societies.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Agricultural Societies Amendment Act of 1909.*" Short Title.

2. Subsection (g) of section 7 of *The Agricultural Societies Act* is amended by adding thereto the following: 6 Edw. VII., c. 16, s. 7 amended.

(iv.) Upon the recommendation of the Superintendent of Agricultural Societies, the Minister may authorize any society to elect six directors in addition to those already provided for. Minister may elect six directors.

3. Subsection (d) of section 21 of *The Agricultural Societies Act* is amended by striking out all the words after "600 members." 6 Edw. VII., c. 16, s. 21 amended.

4. Notwithstanding anything contained in *The Agricultural Societies Act*, the society known as the Warren Agricultural Society is hereby declared to be a society under the said Act, and to have all the rights and privileges enjoyed by an agricultural society under the said Act. Warren Agricultural Society declared to be a Society under the Act.

5. Notwithstanding anything contained in this Act, the society known as the East Middlesex Agricultural Society shall be entitled to receive a grant of one dollar for every paid up member of the said Society on or before the first day of July, who is resident in the County of Middlesex and who is actually engaged in the business of farming, provided, however, that the grant so paid shall not exceed one hundred dollars. East Middlesex Agricultural Society to be entitled to grant.

Schedule B. to  
the Act  
amended.

6. Schedule B. to *The Agricultural Societies Act* is struck out and the following is put in place of the same:—

### SCHEDULE "B."

(Section 19.)

AFFIDAVIT REQUIRED BY ACT RESPECTING AGRICULTURAL SOCIETIES.

*Affidavit as to Membership and Payments for Agricultural Purposes.*

County of                    }  
To Wit:                    }

I,                    , of                    , treasurer of the  
Agricultural Society, make oath and say that during the year ending  
31st day of December, 19                    , the said Agricultural Society expended  
the sum of                    dollars, solely for agricultural purposes,  
in accordance with the Act, as set forth in the audited financial  
statement of the Society, and that no prizes for trials of speed,  
races or special attractions, and no prize money other than cash is  
included in the above amount, and that the number of members of  
the said Society for 19                    is                    .

Treasurer.

Sworn before me this                    }  
day of                    , 19                    . }

Justice of the Peace for the County of  
or a Commissioner in H. C. J.

### EXPENDITURE FOR AGRICULTURAL PURPOSES.

	\$	c
Prizes paid, Horses, \$                    Cattle, \$                    Sheep, \$	.....	.....
(Prizes for horses not to include trials of speed, or horse races)		
Prizes paid, Pigs, \$                    Poultry, \$                    Dairy Products, \$	.....	.....
" " Grain and Seeds, \$	.....	.....
" " Roots and other hoed crops, \$	.....	.....
" " Orchard and Garden products.....	.....	.....
" " Implements and General Manufactures.....	.....	.....
" " Fine Arts, \$                    Ladies' Work, \$	.....	.....
" " All other objects on Exhibition.....	.....	.....
Money paid for prizes awarded in previous years.....	.....	.....
" " " " " at Plowing Match.....	.....	.....
" " " " " for Field Crop Competition.....	.....	.....
(Contributed by Society)		
Meetings or Lectures for discussion of Agricultural Subjects.....	.....	.....
Agricultural Periodicals.....	.....	.....
Purchase of Live Stock, \$	.....	.....
Purchase of Seed and Plants, \$	.....	.....
Keep of Stock, \$	.....	.....
Expenses of Delegates to Fairs and Exhibitions' Convention.....	.....	.....
Total Cash Expenditure for Agricultural Purposes.....	.....	.....



## CHAPTER 24.

## An Act respecting the Queen Victoria Niagara Falls Park.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as "*The Queen Victoria Niagara Falls Park Act, 1909.*" short title.

2. In order to complete the work proposed and purchase lands necessary thereto, as described in section 2 of the Act passed in the Eighth year of His Majesty's reign, intituled *An Act respecting the Queen Victoria Niagara Falls Park*, the Commissioners may, from time to time, with the approval of the Lieutenant-Governor in Council, issue further debentures to an amount not exceeding \$200,000; their form and effect, payment with interest, security guarantee and negotiability shall be as provided by section 11 of *The Queen Victoria Niagara Falls Park Act* and the amendments thereto with respect to the debentures therein mentioned; the proceeds of the said debentures as may be ordered by the Lieutenant-Governor of Ontario in Council shall be applied as provided by section 2 aforesaid. Power to make further issue of debentures.

3. All works or lands whereon any expenditures are authorized in pursuance of this Act shall be deemed and are hereby declared to be Public Works of Ontario, notwithstanding they are in the care or charge of the Commissioners; and in any proceedings to acquire lands the Commissioners in respect thereof shall have the powers and proceed in the manner provided by *The Act respecting the Public Works of Ontario*, where the Minister of Public Works takes land or property for the use of the Province and the provisions of the said Act shall *mutatis mutandis* apply. Works of Commission to be public works of Ontario.

4.

Accounts  
confirmed.

4. The accounts of the Commissioners in respect of receipts and expenditure of every description heretofore made and reported by the Commissioners to the Legislature and duly audited under the provisions of the *Act to provide for the better Auditing of the Public Accounts of the Province*, as made applicable by *The Queen Victoria Niagara Falls Park Act*, are approved and confirmed.

Rev. Stat. c. 45.

Application of  
revenues  
and rentals.

5. The revenues and rentals payable or collectable by the several agreements made by and between the Commissioners acting on their own behalf and with the approval of the Government of the Province of Ontario and the Canadian Niagara Power Company, the Ontario Power Company of Niagara Falls and the Electrical Development Company of Ontario, Limited, shall be applied,—

Rev. Stat. c. 45.

1. To the payment half yearly of the interest payable on the debentures issued by the Commissioners, namely, such as are described in section 11 of *The Queen Victoria Niagara Falls Park Act*, and such as issued or issuable under the Ontario Act of 1908, chapter 29, in all \$700,000, and by this Act,—

2. To provide a sinking fund at the rate of one per cent. per annum on the entire amount of the said debentures.

The application of the sinking fund in respect of said debentures shall be as provided by section 17 of the *Queen Victoria Niagara Falls Park Act*.

Rev. Stat. c. 45.

Commissioners  
may continue  
to collect  
revenues from  
Power  
Companies.

6. Subject to any direction or order of the Lieutenant-Governor of Ontario in Council, and to the provisions of this Act, the Commissioners may continue to collect the revenues and rentals in the next preceding section mentioned, and for the years 1909, 1910, 1911 and 1912, and shall apply the same in accordance with the provisions of the said section.

Application  
of other  
revenues.

7. The Commissioners shall apply the other revenues by them collectable in accordance with the provisions of section 16 of *The Queen Victoria Niagara Falls Park Act*.

## CHAPTER 25.

## An Act to amend The Act respecting Burlington Beach.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 22 of *The Act respecting Burlington Beach* is <sup>7 Edw. VII., c. 22, s. 22</sup> repealed and the following section substituted therefor:—<sup>amended.</sup>

22.—(1) From and after the passing of this Act, the territory aforesaid shall be deemed to be separated from and to no longer form part of the Township of Saltfleet or of the County of Wentworth for municipal or school purposes and shall cease to be subject to the jurisdiction thereof, except for judicial purposes. <sup>Territory separated from township of Saltfleet and County of Wentworth.</sup>

(2) The commissioners shall pay annually on or before the 31st day of December until the year 1925 inclusive, and no longer the sum of \$200 only, to the said Township of Saltfleet for school section number 4 debenture debt existing at the time of the passing of this Act. <sup>Payments by Commissioners of Beach for certain purposes.</sup>

(3) The school house in said school section number 4 of the Township of Saltfleet shall be the exclusive property of the said school section number 4 as constituted after the separation of the said territory of Burlington Beach therefrom. <sup>Schoolhouse in S. S. No. 4, Saltfleet.</sup>

(4) The said territory of Burlington Beach shall not send any pupils to the said school without the consent of the trustees of said school section number 4. <sup>Pupils not to be sent from Burlington Beach.</sup>

(5) The said commissioners shall also pay annually on or before the 31st day of December, the sum of \$250 to the County of Wentworth in full satisfaction of all liability to the said county. <sup>Annual payment to county.</sup>

2. The said Act is further amended by adding the following sections:— <sup>7 Edw. VII., c. 22 amended.</sup>

Action not to be maintainable against township or county.

22a. No action shall be maintainable against the said County of Wentworth or against the said Township of Saltfleet by reason of the non-repair of the highways, streets, sidewalks or bridges in the said territory of Burlington Beach or by reason of any misfeasance or nonfeasance in relation to the said territory.

Collection of arrears of taxes.

22b. The said Township of Saltfleet is authorized and empowered to collect in the manner provided by *The Assessment Act* all arrears of taxes up to and inclusive of 1906 and still remaining unpaid and for the purposes aforesaid the Treasurer and Warden of the County of Wentworth shall have power respectively to take all the proceedings which Treasurers and Wardens under *The Assessment Act* can take for the sale and conveyance of lands in arrears for taxes in respect to lands in arrears for taxes on said territory of Burlington Beach of which a return has been made to the Treasurer of the said County of Wentworth for arrears prior to the 31st day of December, 1906.

## CHAPTER 26.

## The Statute Law Amendment Act, 1909.

*Assented to 13th April, 1909.*

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Statute Law Amendment Act, 1909.*" Short title.

2.—(1) Subsection 1 of section 14 of *The Act respecting the Property of Religious Institutions* is amended by inserting the words "once in each week" between the words "notice" and "for" in the sixth line thereof and the words "daily or" immediately before the word "weekly" in the 7th line thereof. Rev. Stat., c. 307, s. 14, subs. 1 amended. Notice of sale by trustees.

(2) Section 14 of the said Act is further amended by adding thereto the following subsection: Rev. Stat., c. 307, s. 14 amended.

(3) Where a notice otherwise in conformity with subsection 1 has been heretofore published at least once in each week for four successive weeks in a daily paper, published in or near the place where the lands referred to in the notice are situate, the publication shall be as valid as if the same had been made in a weekly paper; but this subsection shall not apply to a sale which is in question in a pending action or which has been determined to be invalid. Publication of notice heretofore given validated.

3.—(1) Section 1 of the Act passed in the 7th year of His Majesty's reign, Chaptered 26, intituled *An Act respecting Fines, Penalties and Forfeitures* is amended by adding the following subsection:— 7 Edw. VII., c. 26, s. 1 amended.

(3) Where a fine, penalty or forfeiture belongs to the Crown the Lieutenant-Governor in Council may allow any part thereof to any person by whose information or aid the fine, penalty or forfeiture was recovered. Allowing part of penalty to informant.

(2)

7 Edw. VII.,  
c. 26, s. 5,  
subs. 1  
amended.

(2) Subsection 1 of section 5 of the said Act is amended by inserting after the word "by" in the 2nd line thereof the words "or under the authority of."

7 Edw. VII.,  
c. 26, s. 6  
amended.

(3) Section 6 of the said Act is amended by adding the following subsection:

Relief against  
civil conse-  
quences of  
conviction.

(2) Where a fine, penalty or forfeiture is remitted the Lieutenant-Governor in Council may also relieve the offender from any other penalty or forfeiture consequent upon his conviction.

7 Edw. VII.,  
c. 2, s. 7, cl. 20  
amended.

4. Clause 20 of section 7 of *The Interpretation Act* is amended by adding thereto the following words "any officer authorized to administer an oath or take an affidavit may take any declaration authorized or required by an Act of the Legislature."

Rev. Stat.,  
c. 86, s. 1  
amended.

Local judge  
to be *ex officio*  
J. P.

5. Section 1 of Chapter 86 of the Revised Statutes of Ontario is amended by inserting after the word "Ontario" in the third line thereof the words "and every judge and every junior judge of a County or District Court."

7 Edw. VII.,  
c. 4 amended.

6.—(1) *The Ontario Voters' Lists Act*, passed in the 7th year of His Majesty's reign, Chapter 4, is amended by adding thereto the following section:

Present lists for  
unorganized  
territory  
continued.

73a. Unless and until a new voters' list therefor has been prepared and certified, the voters' list last so prepared and certified shall be the proper voters' list to be used at such polling place at any election to the Assembly.

7 Edw. VII.,  
c. 4, form 1  
amended.

(2) Form 1 of *The Ontario Voters' Lists Act* is amended by adding thereto after the column headed "Post Office Address," a column headed "Jurors' Column" and by striking out the words "Farmer's son" in the fifth column of Part II and substituting therefor the word "Tenant."

7 Edw. VII.,  
c. 4, s. 8  
amended.

(3) Section 8 of the said Act is amended by adding thereto the following subsection:—

Clerk to mark  
on voters' list  
those qualified  
as jurors.

(2) The Clerk in making out the voters' list shall in a separate column provided for the purpose write or mark the letter "J" upon the voters' list opposite the name of every male person over twenty-one and under sixty years of age who by the roll appears to possess the property qualifications required to qualify him to serve as a juror, and such voters' list shall show at or near the end thereof the aggregate number of names of persons upon such lists qualified to serve on juries, and in the case of cities and towns such list shall give the same information for each ward.

(4) Subsection 2 of section 9 of the said Act is amended by adding thereto the following: 7 Edw. VII., c. 4, s. 9 amended.

(e) The Registrar of Deeds.

7.—(1) The clause numbered 1 in section 2 of *The Woodman's Lien for Wages Act* is amended by inserting the word "cordwood" after the word "logs" in the 1st line. Rev. Stat., c. 154, s. 2, subs. 1 amended.

(2) Section 3 of the said Act is repealed and the following is substituted therefor: Rev. Stat., c. 154, s. 8 repealed.

3. This Act shall apply to the Provisional County of Haliburton and to Provisional Judicial Districts. Application of Act.

8.—(1) Subsection 2 of section 126 of *The Registry Act* is amended by inserting after the word "Toronto" in line two the words "and for the County of Wentworth," and by striking out clauses (a) (b) (c) (d) and (e) and substituting the following therefor; Rev. Stat., c. 136, s. 126, subs. 2 amended.

- (a) On the excess over \$2,500 and not exceeding \$3,000, ten per cent. Percentages payable to city or county out of gross income of Registrars of Toronto and Wentworth.
- (b) On the excess over \$3,000 and not exceeding \$3,500, twenty per cent.
- (c) On the excess over \$3,500 and not exceeding \$4,500, thirty per cent.
- (d) On the excess over \$4,500, forty per cent.

(2) Subsection 3 of section 126 of *The Registry Act* is amended by inserting after the word "Toronto" the words "and for the County of Wentworth." Rev. Stat., c. 136, s. 126, subs. 3 amended.

(3) Subsection 1 of section 127 of *The Registry Act* is amended by adding after the word "Toronto" in line three the following words: "and the Registrar of the County of Wentworth shall pay to the Treasurers of the City of Hamilton, and of the County of Wentworth, subject to the provisions of subsection 2 of section 129 of this Act." Rev. Stat., c. 136, s. 127, subs. 1 amended.

9. Section 3 of *The Deserted Wives Maintenance Act* is amended by adding thereto the following subsection: Rev. Stat., c. 167, s. 3 amended.

- (4) The Order of the Magistrate or Justices for payment may be filed in the Division Court of the division in which the husband or such married woman resides and shall thereupon become and may be enforced as a judgment of such Court. Enforcement of order for maintenance of deserted wife in Division Court.

7 Edw. VII.,  
c. 25, s. 17  
amended.

10. Section 17 of *The Act to create the Provisional Judicial District of Sudbourn* passed in the 7th year of His Majesty's reign, Chapter 25 is repealed and the following substituted therefor:

Delivery of  
original instru-  
ments, etc., to  
Local Master  
of Titles, at  
Sudbury by  
Local Masters  
at Sault Ste.  
Marie and  
North Bay.

17. The Local Masters of Titles at Sault Ste. Marie and North Bay shall also deliver as aforesaid to the Local Master of Titles at Sudbury, all original instruments filed or registered with them which relate exclusively to lands included within the said District of Sudbury and are mentioned in the registers which are being transferred to Sudbury and certified copies of all such instruments relating to lands in the said district as well as to lands in the remaining parts of the Districts of Algoma or Nipissing as the Master of Titles shall direct.

8 Edw. VII.,  
c. 36, s. 17  
amended.

11. Section 17 of *The Act to create the Provisional Judicial District of Fort Frances*, passed in the 8th year of His Majesty's reign, Chapter 36, is repealed and the following substituted therefor:

Delivery of  
original instru-  
ments, etc., to  
Local Master  
at Fort Frances  
by Local  
Master at  
Kenora.

17. The Local Master of Titles at Kenora shall also deliver as aforesaid to the Local Master of Titles at Fort Frances all original instruments filed or registered with him which relate exclusively to lands included within the said District of Fort Frances and are mentioned in the registers which are being transferred to Fort Frances or in the copies of subsisting entries prepared under the next preceding section and certified copies of all such instruments relating to land in the said district as well as the lands remaining in the District of Rainy River as the Master of Titles shall direct.

6 Edw. VII.,  
c. 132, s. 6  
amended.

Extension of  
time for  
Ontario and  
Minnesota  
Power Co. to  
comply with  
certain condi-  
tions.

12. Section 6 of the Act passed in the sixth year of His Majesty's reign, Chapter 132, being *An Act respecting The Ontario and Minnesota Power Company, Limited*, as amended by *The Statute Law Amendment Act, 1907*, section 33, and *The Statute Law Amendment Act, 1908*, section 61, is hereby further amended by striking out the figures "1909" in the sixth and eighth lines thereof, and substituting therefor the figures "1910."

6 Edw. VII.,  
c. 19, s. 15  
repealed.

Constables'  
fees.

13. Section 15 of *The Statute Law Amendment Act, 1906*, is hereby repealed and item 8 in the Schedule of Constables' Fees to *The Act respecting the Fees of Officers engaged in the Administration of Justice* is hereby restored.



14.—(1) Section 4 of *The Act respecting Police Magistrates* is amended by adding thereto the following sub-section:—

(1a) The Lieutenant-Governor in Council may appoint a third Police Magistrate for any city having a population of 200,000 or more at a salary to be named in the order making the appointment or in a subsequent order and the salary so named shall be paid by the city quarterly to such Police Magistrate.

Third Police Magistrate for city of 200,000.

(2) Subsection 2 of the said section is repealed and the following substituted therefor:—

Rev. Stat., c. 87, s. 4, subs. 2 repealed.

(2) A division of the duties of the Police Magistrates may be made by the Lieutenant-Governor in Council.

Division of duties.

15. Clause 1 of section 103 of *The Land Titles Act* is amended by adding the following thereto:—

Rev. Stat., c. 138, s. 103 amended.

Provided that nothing herein shall prevent the registration of a charge given by an incorporated company to trustees for the purpose of securing bonds or debentures issued or to be issued by the company.

Entry of charge securing bonds on land titles register.

16. Section 152 of *The Ontario Insurance Act* is amended by adding thereto the following subsections:

Rev. Stat., c. 2C3, s. 152 amended.

(2) In any such contract, and in any contract of insurance against sickness, if the insurer reserves the right to terminate the contract during its currency, the assured shall have the right of terminating which Statutory Condition 19 (including clause (a)) of section 168 of this Act, confers in the case of fire insurance on a person assured on the cash plan.

Right to terminate contract of insurance against sickness.

(3) Subsection 2 shall have effect notwithstanding any stipulation or agreement to the contrary.

17.—(1) Notwithstanding the repeal of sections 56, 57 and 59 of *The Act respecting the establishment of Municipal Institutions in Territorial Districts*, by section 228 and Schedule "M" of *The Assessment Act*, passed in the 4th year of His Majesty's reign, chaptered 23, the said sections 56, 57 and 59 shall for all purposes be deemed to have been and hereafter to be in force as if they had not been included in the said repealing section and Schedule.

Repeal of Rev. Stat., c. 225, ss. 56, 57, 59. Cancelled sections, restored.

(2) This section shall not apply to pending litigation or to cases which have been finally determined prior to the passing thereof.

63 Vic., c. 57,  
s. 13.

Allowance for  
maintenance  
of patients in  
tuberculosis  
sanatoria.

18. Section 13 of the Act passed in the 63rd year of Her Late Majesty's reign, Chaptered 57, is amended by striking out the words "\$1.50 per week for each patient therein" in the 4th and 5th lines thereof, and substituting therefor the words "\$3.00 per week for each patient therein for whose maintenance \$4.90 or less is paid," and by striking out the words "\$1.50 per week for each patient" in the 11th and 12th lines thereof and substituting therefor the words "\$3.50 per week for each patient."

Annuities  
granted under  
7 and 8 Edw.  
VII, c. 5,  
(Canada) not to  
be transferable  
and to be  
exempt from  
execution.

19.—(1) The property and interest of an annuitant in a contract or an annuity made or granted under the authority of the Act passed by the Parliament of Canada at the session held in the 7th and 8th years of His Majesty's reign, Chaptered 5, shall not be transferable either at law or in equity, and the Minister appointed by the Governor in Council under the provisions of the said Act to administer the same shall not be affected by notice however given of any trust affecting an annuity.

(2) The property and interest of an annuitant in his contract for an annuity shall not be seized or levied upon, by or under the process of any courts, subject however to the rights of creditors as provided in section 11 of the said Act which rights shall be enforceable in the courts of this Province.

Rev. Stat.,  
c. 264, s. 3  
amended.

20. Subsection 1 of section 3 of *The Act for the Prevention of Accidents by Fire in Hotels and other like Buildings* is amended by striking out from the first and second lines the words "where the same is more than two storeys in height."

9 Edw. VII.,  
c. 80, s. 8  
amended.

21. *The Public Libraries Act* passed during the present session is amended by adding thereto the following as subsection 7 of section 8, and the same shall be incorporated with *The Public Libraries Act* in the annual volume of statutes passed during the present session.

Library Board  
in city of  
200,000 may  
lease unoccu-  
pied portion of  
premises for  
Art museum.

(7) The Board of a Public Library of a City having a population of 200,000 or over, may permit an incorporated Art Museum to occupy for the purposes of its gallery or museum, any part of the library building not required for immediate use for the purposes of the board, upon such terms and conditions and for such period, not exceeding five years, as may be agreed on, provided that it be a term of the agreement that the board may determine such right of occupation whenever the space is required for the purposes of the board, and that it be also a term of  
the

the agreement that the pictures and objects of art of the museum shall be open to public view free of charge on such days as the board and the council of the museum may agree.

22. *The Registry Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 136 amended

7a Notwithstanding anything herein until proclamation by the Lieutenant-Governor in Council to the contrary all instruments affecting lands within the City of West Toronto, after it becomes annexed to the City of Toronto, shall continue to be registered in the Registry Office for the Registration Division of East and West York and all books and instruments relating to such lands shall remain in that office. Registration of  
instruments  
affecting lands  
in City of West  
Toronto.

23. Section 14 of *The Milk, Cheese and Butter Act* is amended by adding the following subsection: 8 Edw. VII,  
c. 55, s. 14  
amended.

(2) Every inspector appointed under this Act shall have the right at any time to take samples for testing any product manufactured in any cheese factory, creamery, milk condensery, milk powder factory or other establishment for the manufacture of milk products for sale. Inspectors may  
take samples.

24. Section 2 of *The Milk, Cheese and Butter Act* is repealed. 8 Edw. VII,  
c. 55, s. 2  
repealed.

25. Section 3 of *The Agricultural Associations' Act* is amended by adding thereto the following words "The Ontario Corn Growers' Association." 6 Edw. VII,  
c. 17, s. 3  
amended.

26. *The Yellows and Black Knot Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 280  
amended.

10. The Lieutenant-Governor in Council may by proclamation extend the application of this Act and the provisions thereof to any other disease of fruit trees and the proclamation shall take effect after publication thereof in two successive issues of the *Ontario Gazette*. Extension of  
Act to other  
diseases of  
fruit trees.

27.—(1) Section 4 of *The San José Scale Act* as amended by the Act passed in the 2nd year of His Majesty's reign, Chaptered 37, is further amended by adding after subsection 2 the following subsections: 61 Vic., c. 33,  
s. 4 amended.

(2a) The by-law shall not take effect unless and until approved by the Minister of Agriculture and shall remain in force only for the calendar year in which it is passed. When by-law  
to take effect.

(2b)

Clerk to send  
copy of by-law  
to minister.

(2b) The clerk of the municipality shall transmit a certified copy of every such by-law to the Minister of Agriculture before the first day of May next after the passing thereof.

61 V., c. 33,  
s. 4, subs. 5  
amended.

(2) The said section is further amended by adding to subsection 5 the following "provided that such statements are submitted to the Minister on or before the fifteenth day of December of the year to which they apply."

6 Edw. VII,  
c. 18, s. 19  
amended.

28. Section 19 of *The Horticultural Societies Act* as amended by *The Horticultural Societies Act, 1908*, is amended by striking out of clause (d) the words "one hundred dollars" and substituting therefor the words "seventy-five dollars," and by adding the following clause:

Limit of grants  
to horticultural  
societies.

(e) After the first day of January, 1910, no society shall be entitled to receive an annual grant of more than \$800.

Rev. Stat.,  
c. 42 amended.

29. *The Act respecting the Department of Agriculture* is amended by adding the following section:

Expenditure of  
appropriations  
for agricultural  
purposes.

10. Where an appropriation is made by the Legislature for or in respect of any matter under the management, direction or control of the Department of Agriculture or of the Minister of Agriculture the same shall be expended by the Minister in accordance with the provisions of the Act regulating the same or if there are no such provisions in accordance with the direction of the Lieutenant-Governor in Council.

Payment and  
expenditure of  
grant of \$25,000  
to Winter Fair.

30. Notwithstanding the provisions of *The Public Works Act*, the sum of \$25,000 appropriated by the Legislature for an addition to the Winter Fair Building, at the City of Guelph, may be paid to the Corporation of the City of Guelph to be expended in part payment of the cost of the erection of an addition to the building known as the Winter Fair Building, upon and subject to such conditions as may be prescribed by the Lieutenant-Governor in Council upon the recommendation of the Minister of Public Works.

8 Edw. VII,  
c. 21, s. 83  
amended.

31.—(1) *The Mining Act of Ontario* is amended by inserting after the word "to" in the second line of section 83 thereof, the words "the time or manner of," and by inserting after the word "shall" in the fifth line the words

"without

“without any declaration, entry or act on the part of the Crown or by any officer.”

(2) Section 84 of the said Act is amended by inserting after the word “shall” in the third line thereof the words “without any declaration, entry or act on the part of the Crown or by any officer.”

<sup>8 Edw. VII.  
c. 21, s. 84</sup>  
amended.

32. Notwithstanding anything contained in *The Public Schools Act*, and amendments thereto, the trustees of Union School Section No. XI., of the Township of Tay, and No. XVIII., of the Township of Medonte, may erect two new school houses in the section, upon sites to be approved of by the ratepayers of the section, in the manner provided by *The Public Schools Act*, and the Municipal Corporation of the Township of Tay may issue the necessary debentures therefor upon a proper application from the trustees of the section.

Selection of sites and erection of school houses in Union School Section XI Tay, and XVIII Medonte.

33. Subsection 3 of section 2 of an Act passed in the 8th year of His Majesty's reign, intituled *An Act to amend The Public Lands Act* shall be held to extend to mines, ores and minerals, which by section 15 of *The Public Lands Act* are reserved to the Crown out of lands granted by any patent.

<sup>8 Edw. VII.  
c. 16, s. 2,  
subs. 3, to</sup>  
extend to statutory reservation of mines.

34. Subsection 3 of section 4 of the Act passed in the 8th year of His Majesty's reign, intituled *An Act to amend The Free Grants and Homesteads Act* shall be held to extend to mines, ores and minerals which by section 13 of *The Free Grants and Homesteads Act* are reserved to the Crown out of the lands granted by any patent.

<sup>8 Edw. VII.  
c. 17, s. 4, subs.  
3 to extend to</sup>  
statutory reservation of mines.

35. Subsection 3 of section 5 of the Act passed in the 8th year of His Majesty's reign, intituled *An Act to amend The Rainy River Free Grants and Homesteads Act* and chaptered 18 shall be held to extend to mines, ores and minerals which by section 12 of *The Rainy River Free Grants and Homesteads Act* are reserved to the Crown out of lands granted by any patent.

<sup>8 Edw. VII.  
c. 18, s. 5 subs.  
3 to extend to</sup>  
statutory reservation of mines.

36. Subsection 1 of section 8 of *The Act respecting Circuses and Travelling Shows* is repealed and the following substituted therefor:

<sup>3 Edw. VII., c.  
28, s. 8, subs.  
1 repealed.</sup>

8.—(1) The Inspectors of Criminal Investigation of Canada and of Ontario, and every Dominion and Provincial constable receiving a salary from the Government, shall have access free of all charge to all shows mentioned in section 1, and to every horse race, agricultural, horticultural or industrial exhibition, ball game, theatre or public gathering, and to the grounds, tents and buildings in which such

Provincial and Dominion detectives and constables to have free access to all shows.

such shows, races, exhibitions and gatherings are held, and every part thereof during the hours in which the public are admitted to such grounds and buildings and any person obstructing, hindering or neglecting to give free access to any such Inspector or constable in the exercise of the rights conferred by this section, after such inspector or constable has demanded admission and displayed his badge of office, shall be liable, on summary conviction thereof, to a fine not exceeding \$100, and not less than \$50, or to imprisonment for any term not exceeding three months.

Penalty

Hospital established under 9 Edw. VII, c. 117 to be within meaning of 63 V.c. 57, ss. 12 and 13.

37. The hospital or sanatorium to be established under the Act passed at the present session intituled *An Act respecting the establishment in the City of Ottawa of a Hospital or Sanatorium for the reception, care and treatment of persons suffering from tuberculosis* shall be deemed a sanatorium within the meaning of sections 12 and 13 of *The Act respecting Municipal Sanatoria for Consumptives*, and, subject to the provisions of the said sections, the Lieutenant-Governor in Council may make to the Corporation of the City of Ottawa the grants authorized by the said sections and the amendments thereto.

Return of forfeit of \$5,000 to Rainy Lake P. & P. Co. authorized.

38. The Lieutenant-Governor in Council may on such terms and conditions as he deems satisfactory authorize the return to the Rainy Lake Pulp & Paper Company, of the sum of \$5,000, being the amount of security deposited in connection with a certain agreement bearing date the 6th day of January, 1903, the same having been cancelled by Order in Council of 19th of January, 1906.

Rev. Stat. c. 235, s. 20 amended.

39. Section 20 of *The Municipal Waterworks Act* as amended by 6 Edward VII, Chapter 40, is amended by adding the following subsections:—

Rates at which water to be supplied to provincial institutions.

(4) The Corporation of every city, town, township and incorporated village having a system of waterworks, shall supply water at all times to all public institutions, situate therein and belonging to or maintained by the Province at such rents, rates or prices as may be fixed by by-law of the municipality and not exceeding those charged to manufacturers.

Penalty.

(5) The Corporation of every city, town, township and incorporated village violating subsection 4 of this section shall incur a penalty of \$50 per diem for every day on which such violation continues in addition to any other penalties by law prescribed, and every officer of the corporation who permits, aids or assists in such violation shall be liable to a penalty of \$10 per diem.

40. Chapter 52 of the Statutes passed in the 7th year of His Majesty's reign is amended by adding the following section : 7 Edw. VII.,  
c. 52 amended.

10. The Minister of Education in special cases, may, whether such times have elapsed or otherwise, extend the time limited in this Act for qualifying as provided in sections 3, 4, 6 and 7 for a period not exceeding two years beyond the times respectively mentioned in such sections. Minister of Education may extend time for certain separate school teachers to qualify.

41. The Lieutenant-Governor in Council may remit the Town of Sault Ste. Marie all unpaid interest due prior to the first day of February, 1909, on debentures of the said Town amounting to \$25,572.50 now held by the Province, provided that the said Town shall promptly pay when due the full amount of the principal monies of said debentures and also all interest falling due after the first day of February, 1909, until the principal of the debentures is fully paid and satisfied. Authority given to remit interest on debt of town of Sault Ste. Marie to the Province.

42. The Provincial Treasurer may accept from any person gifts or bequests for the permanent endowment of any charitable or educational object in Ontario, and invest the same in "Ontario Government Stock" bearing four per cent. interest payable half-yearly. The stock shall be held in the case of a charitable object in the name of the Provincial Treasurer and of the Provincial Secretary in trust for the charity for which the same is given or bequeathed, and in the case of an educational object in the name of the Provincial Treasurer and the Minister of Education for the time being in trust for the educational object for which the same is given or bequeathed, and the interest shall be paid half-yearly to the officer or persons designated by the donor. Acceptance and investment of funds given to Province for charitable or educational purposes.

43. Section 6 of *The Ontario Insurance Act* is amended by adding thereto the following subsection :— Rev. Stat., c.  
205, s. 6  
amended.

(2) No transfer of shares of an insurance company incorporated under the laws of Ontario, the whole amount whereof has not been fully paid up, shall be made without the consent of the directors, and whenever any such transfer is made with the consent of the directors to a person who is not apparently of sufficient means to fully pay up such shares, the directors shall be jointly and severally liable to the creditors of the company, in the same manner and to the same extent as the transferring shareholder, but for such transfer, would have been; Provided that if any director present when any such transfer is allowed does forthwith, or if any director then absent, Transfer of shares not fully paid up.  
  
Liability of directors to creditors.



absent, within twenty-four hours after he becomes aware of such transfer, and is able to do so, enter on the minute book of the board of directors his protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Minister in charge of the Insurance Department, and also within the same time publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest to such place, such director may thereby, and not otherwise exonerate himself from such liability. See R.S.C. 1906, c. 79, sections 65 and 83.

Payment to members of committee on assessment act authorized.

44. Authority is hereby given for payment of an allowance to the members of the Select Committee on Bills relating to the Assessment Law during the interval between the present and next ensuing Session of the Legislature, at the rate of six dollars per diem for each day's actual attendance, in addition to an allowance of four dollars per diem for each day's attendance and time in going to and returning from the meetings of the said Committee.

9 Edw. VII., c. 29, s. 17, subs. 1, 2 repealed.

45.—(1) Subsections 1 and 2 of section 17 of *The County Judges' Act*, passed at the present Session of the Legislature are repealed and the following substituted therefor:

Shorthand writers for local courts.

(1) A shorthand writer may be appointed by the Lieutenant-Governor in Council for the local courts of each county and provisional judicial district.

(2) The amendment made by subsection 1 shall be incorporated in *The County Judges' Act* in the volume of Statutes for the year.

Rev. Stat., c. 205, s. 140 amended.

46. Section 140 of *The Ontario Insurance Act* is amended by striking out all the words after the word "property" in the fifth line of the section down to and including the words and figures "section 96" in the eleventh line of the section, and by substituting in lieu thereof the following words, "but the amount of premiums received on cash insurances in any one calendar year shall not exceed four times the amount which the company has then on deposit with the Government; if any deficiency of deposit at any time arises either under section 41 or under this section, and the company fails to make good the deficiency at once, the Minister may suspend or terminate the license."

Limit of amount of cash premium business by cash mutual insurance companies.



## CHAPTER 27.

## An Act to amend The Judicature Act.

*Assented to 29th March, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5 of *The Judicature Act* is hereby repealed and the following substituted therefor:—

Rev. Stat.  
c. 51, s. 5  
repealed.

5.—(1) Where a Judge of the High Court resigns his office or is appointed to the Supreme Court of Canada or to the Court of Appeal for Ontario and any action, cause or matter which has been fully heard by such Judge, either alone or jointly with other judges, stands for judgment, he may give judgment therein as if he were still a Judge of the Court, and any such judgment shall be of the same force and validity as if he were still such Judge, provided that such judgment be delivered within eight weeks after his resignation or appointment to the Supreme Court of Canada or to the Court of Appeal.

Judge resign-  
ing or pro-  
moted pending  
delivery of  
judgment.

(2) This section shall apply where a Judge has heretofore resigned his office or been appointed to the Supreme Court of Canada and to cases which have been already heard and are now standing for judgment.

Application  
of section.

(3) Where a Judge dies or resigns before the delivery of judgment in any action, cause or matter which has been fully heard or tried by him or where an action, cause or matter has been fully heard or tried by a Judge and judgment is not delivered by him within six months after such hearing or trial or in case of resignation within eight weeks thereafter, then any party to the action, cause or matter may after serving one month's notice of his intention so to do upon the other party and upon the Senior Registrar of the High Court set the same down to be heard before a Divisional Court and the same shall unless judgment shall be delivered in the meantime be heard by such Court upon the

Judge dying,  
resigning or  
failing to  
deliver judg-  
ment for six  
months.

the evidence adduced before such Judge and the provisions of Rule 792 shall apply to such hearing and the Divisional Court shall direct the proper judgment to be entered and an appeal shall lie without leave from such judgment to the Court of Appeal, or the Divisional Court instead of pronouncing judgment may direct such action, cause or matter to be set down again for trial or hearing on such terms as to costs and otherwise as the Court shall think fit.

Application of section to county, district and surrogate courts.

(4) Except as provided by subsection 5 this section shall apply to the County and District Courts and to Surrogate Courts except that no appeal shall lie as provided by subsection 3.

Rehearing by consent.

(5) In the case of an action, cause or matter in the High Court instead of proceeding as provided by subsection 3, if all the parties consent in writing and the consent be filed with the proper officer, any party may after one month's notice to the Senior Registrar of such consent and if judgment be not delivered in the meantime set the action, cause or matter down again for trial or hearing in the same way as if it had not been tried or heard.

Application of subss. 3, 4, 5.

(6) Subsections 3, 4 and 5 shall apply to actions, causes or matters which have been already heard and are now standing for judgment.

2 Edw. VII. c. 12, s. 8 repealed.

2. Section 19 of the said Act as enacted by section 8 of the Act passed in the second year of His Majesty's reign, Chaptered 12, is hereby repealed and the following substituted therefor:—

When majority of court may give judgment.

19.—(1) Where after a cause or matter in the Court of Appeal or a matter referred to that Court or in a Divisional Court of the High Court has been heard and stands for judgment one of the Judges by whom the same was heard is transferred to the Supreme Court of Canada or resigns his office or is absent from illness or other cause or dies or in case a Judge of the High Court is transferred to the Court of Appeal the remaining Judges or where the cause or matter is in the Court of Appeal and there is a difference of opinion a majority of them may give judgment as if such Judge were still a Judge of the Court and were present and taking part in the judgment.

Application to pending matters.

(2) This section shall apply to cases which have already been heard and are now standing for judgment.

Rev. Stat. c. 51 amended.

3. *The Judicature Act* is amended by adding the following sections:—

## REFERENCES UNDER ORDER OF COURT.

121a. Subject to Rules of Court and to any right to have particular cases tried by a jury, the Court or a Judge may refer any question arising in an action for inquiry and report to an official referee or to a special referee agreed upon by the parties. R.S.O. 1897, c. 62, s. 28.

Reference for inquiry and report.

121b. In an action,

Power to refer in certain cases.

- (a) If all the parties interested who are not under disability consent; or,
- (b) Where a prolonged examination of documents or a scientific or local investigation is required which cannot in the opinion of the Court or a Judge conveniently be made before a jury or conducted by the Court or Judge directly; or,
- (c) Where the question in dispute consists wholly or partly of matters of account,

the Court or a Judge may at any time refer the whole action or any question or issue of fact arising therein or question of account either to an official referee or to a special referee agreed upon by the parties. R.S.O. 1897, c. 62, s. 29.

121c.—(1) In the case of a reference to a special referee he shall be deemed to be an officer of the Court.

Reference to special referee.

(2) The remuneration to be paid to a special referee may be determined by the Court or a Judge.

(3) The remuneration, fees, charges and disbursements payable to an official referee, and, in the absence of any special direction, to a special referee shall be the same as are payable to a Local Master.

(4) Where the Judge at the trial instead of trying an action refers the whole action under the provisions of section 121b to an official referee who is a Registrar or Deputy Registrar, a Deputy Clerk of the Crown, a Local Master or other officer of the Court, paid wholly or partly by salary, no fees, either in stamps or otherwise, shall be charged by the referee. R.S.O. 1897, c. 62, s. 30, *amended*.

No fees when whole action is referred to officer of Court.

121d. The referee shall make his findings and embody his conclusions in the form of a report, and his report shall be subject to all the incidents of a report of a Master on a reference as regards filing, confirmation, appealing therefrom, motions thereupon and otherwise, including appeals to the Court of Appeal. R.S.O. 1897, c. 62, s. 31, *amended*.

Referee to make report.

Evidence to  
be trans-  
mitted.

121*e*. The evidence of witnesses examined upon a reference under any order of reference, together with the exhibits therein referred to, shall forthwith, after the making of the report be transmitted by the referee to the proper officer of the Court. R.S.O. 1897, c. 62, s. 32.

#### ACTIONS IN COUNTY COURTS.

County Courts  
may order re-  
ferences as in  
High Court.

121*f*.—(1) In an action in a County Court, the Judge thereof shall have the same powers with regard to the making of an order of reference, as may be exercised by a Judge of the High Court in an action therein. R.S.O. 1897, c. 62, s. 37.

Appeals and  
motion to set  
aside awards  
in County  
Courts.

(2) An appeal, in like manner and within the same time as in like cases is provided with regard to actions in the High Court, shall lie to the Judge of the County Court, who shall upon such appeal have the same powers as may be exercised by a Judge in like cases in the High Court. R.S.O. 1897, c. 62, s. 38.

Appeals to the  
High Court  
from decision  
of County  
Court Judge.

(3) An appeal shall lie from any order, judgment, or decision of the Judge of a County Court to a Divisional Court of the High Court, and the proceedings and practice on the appeal, as to staying proceedings and otherwise, shall be similar to the proceedings and practice relating to appeals from County Courts to a Divisional Court. R.S.O. 1897, c. 62, s. 39.

Sections 121*a* to  
121*f* not to  
apply to  
Crown.

121*g*. Nothing in sections 121*a* to 121*f* of this Act shall empower a Court or a Judge to refer any proceeding to which His Majesty is a party, or any question or issue in any such proceeding to an official referee without the consent of His Majesty. R.S.O. 1897, c. 62, s. 46, *part*.

Application of  
Con. Rules  
648-653.

121*h*. Consolidated Rules 648 to 653 shall apply to references under sections 121*a*, 121*b* and 121*f*.

## CHAPTER 28

An Act for the better administration of Justice, to lessen the number of Appeals and the cost of Litigation, and for other purposes.

*Assented to 13th April, 1909*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Law Reform Act*, Short title. 1909."

2. In this Act

Interpretation

- (a) "Appellate Division" shall mean Appellate Division of the Supreme Court. "Appellate Division."
- (b) "Court of Appeal" shall mean Court of Appeal for Ontario. "Court of Appeal."
- (c) "Divisional Court" shall mean Divisional Court of the Appellate Division of the Supreme Court. "Divisional Court."
- (d) "High Court" shall mean High Court of Justice for Ontario. "High Court."
- (e) "High Court Division" shall mean High Court Division of the Supreme Court. "High Court Division."
- (f) "Judge" shall include an *ex-officio* Judge. "Judge."
- (g) "Supreme Court" shall mean Supreme Court of Ontario. "Supreme Court."

Words in the singular number interpreted by this section shall have a corresponding meaning when used in the plural. Use of singular and plural numbers.

PART I.—SUPREME COURT.

3. The Supreme Court of Judicature for Ontario shall hereafter be known as and designated the Supreme Court of Ontario. Supreme Court to be "The Supreme Court of Ontario."

4.

Appellate Division and High Court Division of Supreme Court.

4. The Supreme Court shall consist of two branches or divisions which shall be known as and designated respectively, The Appellate Division of the Supreme Court of Ontario, and The High Court Division of the Supreme Court of Ontario.

Court of Appeal to be Appellate Division.

5.—(1) The Court of Appeal shall hereafter be known as and designated The Appellate Division of the Supreme Court of Ontario.

(2) Such Division shall not be deemed to be a new Court but only a continuation of the Court of Appeal.

High Court to be High Court Division.

6.—(1) The High Court shall hereafter be known as and designated The High Court Division of the Supreme Court of Ontario.

(2) Such Division shall not be deemed to be a new Court but only a continuation of the High Court.

Existing Divisions and Divisional Courts abolished.

7.—(1) The Divisions and Divisional Courts of the High Court are abolished.

(2) In all matters and proceedings which have been fully heard by a Divisional Court of the High Court, and in which judgment shall not have been given, or having been given has not been signed, drawn up, passed, entered or otherwise perfected, judgment or order may be given or made, signed, drawn up, passed, entered or otherwise perfected in the name of the same Court, and by the same Judges and officers, and generally in the same manner as if this section had not been enacted, and for these purposes the Court shall be deemed to continue to exist.

(3) All matters and proceedings in a Divisional Court of the High Court to which subsection 2 does not apply shall be deemed to be matters and proceedings in the Appellate Division and shall be dealt with in the same manner and the practice and procedure shall be the same as is provided by section 18.

Chief Justices and Chancellor to retain rank and titles.

8.—(1) The present Chief Justice of Ontario, the present Chancellor and the present Chief Justices of Divisions of the High Court shall retain their existing rank and titles, except that the Chief Justice of the Exchequer Division shall hereafter be known as and designated Chief Justice of the Exchequer.

Abolition of offices of Chancellor and Chief Justices as vacancies occur.

(2) When and as vacancies occur in the office of Chancellor or of Chief Justice, except that of Chief Justice of Ontario, the office shall be abolished, and when the present Chancellor and all the present Chief Justices other than the Chief Justice of Ontario, cease to hold office, there shall thereafter be in addition to the Chief Justice of Ontario but

but one Chief Justice, who shall bear the title of and be designated Chief Justice of the High Court.

9.—(1) The Chief Justices mentioned in the next preceding section, the Chancellor and the present Justices of the Supreme Court of Judicature for Ontario shall have the same precedence among themselves as they now have. Precedence among judges.

(2) Subject to the provisions of subsection 1, the Chief Justice of Ontario shall have rank and precedence over all the other Judges, the Chief Justice of the High Court shall be next in rank and precedence, and the other Judges shall have rank and precedence among themselves according to seniority of appointment.

10.—(1) All jurisdiction, power and authority, at the time of coming into force of this section, vested in the Court of Appeal or in the Divisional Courts of the High Court shall hereafter be vested in the Appellate Division. Jurisdiction of Appellate Division.

(2) All jurisdiction, power and authority, at the time of coming into force of this section, vested in a Judge of the Court of Appeal or in a Judge of a Divisional Court of the High Court shall be vested in a Judge of the Appellate Division.

(3) Where an appeal lies to a Divisional Court of the High Court the same shall after this part takes effect lie to a Divisional Court of the Appellate Division.

11. Every Judge of the Supreme Court shall be *ex-officio* a Judge of the Division to which he is not appointed or does not belong. Ex-officio judges.

12.—(1) There shall be as many Divisional Courts of the Appellate Division as are necessary for the proper despatch of the business of the Division. Divisional Courts of Appellate Division.

(2) There shall at all times be at least two of such Divisional Courts.

(3) A Divisional Court shall consist of five Judges.

How constituted.

(4) The Divisional Courts shall be numbered consecutively, beginning with number one. To be numbered.

13.—(1) The first Divisional Court shall consist of the Chief Justice of Ontario and the other Judges of the Appellate Division, not including, however, except as hereinafter mentioned, an *ex-officio* Judge. First Divisional Court.

(2) The Judges of the Supreme Court shall forthwith after the coming into force of this section, at a meeting called for that purpose, select the Judges to constitute the second Divisional Court for the then current calendar year. Second Divisional Court.

year, and when such selection has been made the Judges so selected shall be the Judges to constitute the second Divisional Court for such year.

Annual selection of judges for Second Divisional Courts.

14.—(1) The Judges of the Supreme Court shall at a meeting to be held in the month of December in each year thereafter, and not later than the second Monday in the month, select the Judges to constitute the second Divisional Court for the next ensuing calendar year, and when such selection has been made, the Judges so selected shall be the Judges to constitute the second Divisional Court for such year.

Additional Divisional Courts.

(2) Whenever the volume of business in the Appellate Division shall require that an additional Divisional Court or additional Divisional Courts shall be constituted, the Judges of the Supreme Courts shall select the Judges to constitute such Court or Courts.

Permanent and temporary Divisional Courts.

(3) The first and second Divisional Courts shall be permanent Divisional Courts, and those constituted under the provisions of subsection 2 shall be temporary Divisional Courts.

When judges fail to make selection.

(4) In the event of the Judges of the Supreme Court failing at the prescribed time to select the Judges who are to constitute the Divisional Courts or any of them, the selection may be made at a later date.

Judges of one Divisional Court may sit in another.

(5) Whenever occasion requires, a Judge of any Divisional Court may sit in the place of any other Judge of any Divisional Court.

Ad hoc judges of Divisional Courts.

(6) Whenever occasion requires, a Judge who is not a member of any Divisional Court may sit in the place of any Judge of any Divisional Court.

Application of ss. 5, 6 in case of vacancy.

(7) Subsections 5 and 6 shall apply where a vacancy occurs in a Divisional Court by the death or resignation of a Judge or otherwise, until, in the case of the first Divisional Court, his successor is appointed, and in the case of the second Divisional Court until his successor is selected, as provided by subsection 8.

Filling vacancy in second Divisional Courts.

(8) Where a vacancy occurs in the second Divisional Court by the death or resignation of a Judge or otherwise, it shall be the duty of the Judges of the Supreme Court at a meeting called for that purpose, to select a Judge to fill the vacancy for the remainder of the year for which the Judge whose place he is selected to fill, was selected.



(9) A Judge who sits in the place of a Judge of a Divisional Court shall be conclusively deemed to have been entitled and qualified to so sit, within the meaning of the next preceding four subsections.

Right of judge to sit in place of another not to be questioned.

(10) A Judge who has sat in a Divisional Court on the hearing of any appeal, matter or proceeding therein may give judgment notwithstanding that he is no longer a Judge of such Court.

Judge may give judgment after ceasing to sit in Divisional Court.

(11) The word "Judge" as used in this section shall include the Chief Justice of Ontario.

Judge to include Chief Justice of Ontario.

15. Neither the Chief Justice of Ontario nor any of the present Judges of the Court of Appeal shall without his consent be assigned to, or required to perform any duty, except such as appertains to him as a member of the Appellate Division.

Member of present Court of Appeal not to be assigned to other work without his consent.

16.—(1) Appeals to a Divisional court may be heard and disposed of by a Court of four Judges.

Four judges may hear appeals.

(2) This section shall not apply to appeals under *The Ontario Controverted Elections Act* or to cases and matters which come before the Court under the provisions of the Criminal Code, all of which shall be heard and disposed of by a full Court of five Judges.

Exception as to Election trials and Criminal matters.

17. There shall be at least monthly sittings of a Divisional Court, except during the long vacation, and, subject to Rules of Court and to any other arrangement between the Judges constituting the permanent Divisional Courts, such Courts shall sit in alternate weeks, but nothing in this section shall prevent a sittings from being held during the long vacation.

Monthly sittings of Divisional Courts.

18.—(1) All statutory provisions, rules of court practice and procedure upon and as to appeals, motions and applications to the Court of Appeal are hereby repealed and abrogated, and hereafter, subject as to appeals under *The Ontario Controverted Elections Act* to the provisions of that Act, and as to appeals and applications for a new trial to the Court of Appeal under the Criminal Code to the provisions of that Act, and subject also to rules of court, the practice and procedure upon and as to appeals, motions and applications to a Divisional Court shall be the same as are now prescribed by *The Judicature Act* and Rules of Court with regard to appeals to a Divisional Court of the High Court.

Existing provisions as to Divisional Courts substituted for those relating to Appeals and applications to Court of Appeal.

Exceptions.

Practice and procedure.

(2) Nothing in this section shall take away or affect any right of appeal to the Court of Appeal from a judgment, order or decision pronounced, made or given by a Divisional

sional

sional Court of the High Court which at the time this Part takes effect any party has or is entitled to, whether by leave or without leave, but the appeal shall be to a Divisional Court of the Appellate Division.

Documents to be entitled "In the Supreme Court of Ontario."

19. Documents and proceedings shall be entitled, "In the Supreme Court of Ontario" adding the name of the Division in which the proceeding is taken or is pending.

#### PART II.—COUNTY COURTS.

Rev. Stat. c. 55, ss. 22, 23 and 27, repealed.

20. Sections 22, 23 and 27 of *The County Courts Act* and all amendments thereto are hereby repealed.

Jurisdiction of county and district courts.

21.—(1) The County and District Courts shall have jurisdiction in;

- (a) Actions arising out of contract express or implied where the sum claimed does not exceed eight hundred dollars;
- (b) Personal actions, except actions for criminal conversation and actions for libel, where the sum claimed does not exceed five hundred dollars;
- (c) Actions for trespass or injury to land where the sum claimed does not exceed five hundred dollars, unless the title to the land is in question, and in that case also where the value of the land does not exceed five hundred dollars, and the sum claimed does not exceed that amount;
- (d) Actions for the recovery of property, real or personal, including actions of replevin and actions of detinue where the value of the property does not exceed five hundred dollars;
- (e) Actions for the enforcement by foreclosure or sale or for the redemption of mortgages, charges or liens, where the sum claimed to be due does not exceed five hundred dollars;
- (f) Partnership actions where the joint stock or capital of the partnership does not exceed in amount or value two thousand dollars;
- (g) Actions by legatees under a will for the recovery or delivery of money or property bequeathed to them where the legacy does not exceed in value or amount five hundred dollars, and the estate of the testator does not exceed in value two thousand dollars;
- (h) All other actions for equitable relief where the subject matter involved does not exceed in value or amount five hundred dollars; and

(i)

- (i) Actions and contestations for the determination of the right of creditors to rank upon insolvent estates where the claim of the creditor does not exceed five hundred dollars.

(2) Where a defendant intends to dispute the jurisdiction of the Court on the ground that the action though otherwise within the proper competence of the Court is not within it because of the amount claimed or of the value of the property in question, he shall in his appearance state that he disputes the jurisdiction of the Court and the ground upon which he relies for disputing it, and in default of his so doing, unless otherwise ordered by the Court or a Judge, the question of jurisdiction shall not afterwards be raised or brought in question.

Jurisdiction must be disputed in appearance.

(3) Where the notice mentioned in the next preceding subsection is given, the plaintiff may on præcipe require all papers and proceedings in the action to be transmitted to the proper office of the High Court Division in the County or District in which the action was brought, and it shall be the duty of the Clerk of the County or District Court to forthwith transmit the same to such office.

Transfer of cause to High Court Division.

(4) When the papers and proceedings so transmitted are received at the proper office of the High Court Division the action shall *ipso facto* be transferred into the High Court Division in the same plight and condition as it was in at the time of the transfer, and thereafter may be proceeded with as if it had been commenced in the High Court Division.

(5) Where an action is transferred into the High Court Division under the provisions of this section, if the plaintiff is awarded costs, unless otherwise ordered by the Court or a Judge, they shall be taxed according to the scale of the High Court Division, whether or not the action be in fact within the proper competence of the County or District Court.

Scale of costs in action transferred.

(6) Appeals and motions for new trials in the County and District Courts which by sections 50 and 51 of the County Courts Act are now required to be or may be made to such Courts shall hereafter be made to a Divisional Court.

Appeals and motions for new trials in county and district courts.

### PART III.—AGREEMENTS BETWEEN SOLICITORS AND CLIENTS.

22. Sections 54 and 55 of *The Revised Statute respecting Solicitors* are hereby repealed.

Rev. Stat., c. 174, ss. 54 and 55, repealed.

23. In this section and sections 24 to 41:

Interpretation.

- (a) "Client" shall include a person who as a principal or on behalf of another person retains or employs or is about to retain or employ a solicitor and

a

a person who is or may be liable to pay the bill of a solicitor for any services, fees, costs, charges or disbursements;

"Services."

(b) "Services" shall include fees, costs, charges and disbursements.

Agreements between solicitors and clients as to compensation.

24.—(1) Subject to the provisions of sections 25 to 41, a solicitor may make an agreement in writing with his client respecting the amount and manner of payment for the whole or a part of any past or future services in respect of business done or to be done by such solicitor, either by a gross sum or by commission or percentage, or by salary or otherwise, and either at the same rate or at a greater or less rate than that at which he would otherwise be entitled to be remunerated. In this subsection the expressions "commission" and "percentage" apply only to non-contentious business and to conveyancing.

(2) This section shall apply to and include any business to which section 53 of *The Revised Statute respecting Solicitors* relates, whether or not any general rule under section 52 thereof is in operation.

Approval of agreement by taxing officer.

25. Where the agreement is made in respect of business done or to be done in any Court, except a Division Court, the amount payable under the agreement shall not be received by the solicitor until the agreement has been examined and allowed by a taxing officer of a Court having power to enforce the agreement.

Opinion of court or judge on agreement.

26. Where it appears to the taxing officer that the agreement is not fair and reasonable, he may require the opinion of a Court or a Judge to be taken thereon.

Rejection of agreement by court or judge.

27. The Court or Judge may either reduce the amount payable under the agreement or order it to be cancelled and the costs, fees, charges and disbursements in respect of the business done to be taxed in the same manner as if the agreement had not been made.

Agreement not to affect costs as between party and party.

28. Such an agreement shall not affect the amount, or any right or remedy for the recovery, of any costs, recoverable from the client by any other person, or payable to the client by any other person, and any such other person may require any costs payable or recoverable by him to or from the client to be taxed in the ordinary manner, unless such person has otherwise agreed; but the client who has entered into the agreement shall not be entitled to recover from any other person under any order for the payment of any costs which are the subject of the agreement, more than the amount payable by the client to his own solicitor under the agreement.

29. Such an agreement shall exclude any further claim of the solicitor beyond the terms of the agreement in respect of services in relation to the conduct and completion of the business in respect of which it is made, except such as are expressly excepted by the agreement.

Claims for additional remuneration excluded.

30. A provision in any such agreement that the solicitor shall not be liable for negligence or that he shall be relieved from any responsibility to which he would otherwise be subject as such solicitor shall be wholly void.

Agreements relieving solicitor from liability for negligence void.

31. No action shall be brought upon any such agreement, but every question respecting the validity or effect of it may be examined and determined, and it may be enforced or set aside without action on the application of any person who is a party to the agreement or who is or is alleged to be liable to pay or who is or claims to be entitled to be paid the costs, fees charges or disbursements in respect of which the agreement is made, by the Court not being a Division Court in which the business or any part of it was done or a Judge thereof, or if the business was not done in any Court by the High Court Division or a Judge thereof.

Determination of disputes under the agreement.

32. Upon any such application if it shall appear to the Court or Judge that the agreement is in all respects fair and reasonable between the parties, it may be enforced by such Court or Judge by order in such manner and subject to such conditions as to the costs of the application as such Court or Judge may think fit, but if the terms of the agreement shall not be deemed by the Court or Judge to be fair and reasonable, the agreement may be declared void, and the Court or Judge may order it to be delivered up to be cancelled and may direct the costs, fees, charges and disbursements incurred or chargeable in respect of the matters included therein to be taxed in the ordinary manner.

Enforcement of agreement.

33. Where the amount agreed for under any such agreement has been paid by or on behalf of the client or by any person chargeable with or entitled to pay the same, the High Court Division or a Judge thereof may upon the application of the person who has paid such amount within twelve months after the payment thereof if it appears to such Court or Judge that the special circumstances of the case require the agreement to be re-opened, re-open the same and order the costs, fees, charges and disbursements to be taxed and may also order the whole or any part of the amount received by the solicitor to be repaid by him on such terms and conditions as to the Court or Judge may seem just.

Order of court for re-opening of agreement.

Agreements made by client who is guardian, trustee or committee, to be approved by taxing officer.

**34.** Where any such agreement is made by the client in the capacity of guardian or of trustee under a deed or will or of committee of any person whose estate or property will be chargeable with the amount or any part of the amount payable under the agreement, the agreement shall before payment be laid before the senior taxing officer at Toronto, who shall examine it and may disallow any part of it or may require the direction of the Court or a Judge to be made thereon.

Client paying without approval to be liable to estate.

**35.** If the client pays the whole or any part of such amount without the previous allowance of such officer or the direction of the Court or a Judge he shall be liable to account to the person whose estate or property is charged with the amount paid or any part of it for the amount so charged, and the solicitor who accepts such payment may be ordered by the Court or Judge to refund the amount received by him.

Solicitors not to purchase any interest in litigation or to make payment dependent upon success.

**36.** Nothing in sections 24 to 41 shall give validity to a purchase by a solicitor of the interest or any part of the interest of his client in any action or other contentious proceeding to be brought or maintained or give validity to an agreement by which a solicitor retained or employed to prosecute any action or proceeding stipulates for payment only in the event of success in such action or proceeding or where the amount to be paid to him is a percentage of the amount or value of the property recovered or preserved or otherwise determinable by such amount or value or dependent upon the result of the action or proceeding.

Security may be given to solicitor for costs.

**37.** A solicitor may accept from his client and a client may give to his solicitor, security for the amount to become due to the solicitor for business to be transacted by him and for interest thereon, but so that the interest is not to commence until the amount due is ascertained by agreement or by taxation.

Interest on disbursements and costs.

**38.** A solicitor may charge interest at the rate of five per centum per annum on his disbursements and costs whether by scale or otherwise from the expiration of one month from demand from the client, and where the same are payable by an infant or out of a fund presently available the demand may be made on the parent or guardian or the trustee or other person liable.

Where solicitor dies or becomes incapable of acting after agreement.

**39.** Where a solicitor has made such an agreement and anything has been done by him under it and before the agreement has been completely performed by him, such solicitor dies or becomes incapable to act, an application may be made to any Court which would have jurisdiction to examine and enforce the agreement, by any person who

is a party thereto, and such Court may thereupon enforce or set aside the agreement so far as the same may have been acted upon as if such death or incapacity had not happened, and if it deems the agreement to be in all respects fair and reasonable may order the amount in respect of the past performance of it to be ascertained by taxation; and the taxing officer in ascertaining such amount shall have regard, so far as may be, to the terms of the agreement, and payment of the amount found to be due may be ordered in the same manner as if the agreement had been completely performed by the solicitor.

40. If after any such agreement has been made the client shall change his solicitor before the conclusion of the business to which the agreement relates, which he shall be at liberty to do notwithstanding the agreement, the solicitor party to the agreement shall be deemed to have become incapable to act under it within the meaning of the next preceding section, and upon any order being made for taxation of the amount due him in respect to the past performance of the agreement, the Court shall direct the taxing officer to have regard to the circumstances under which such change of solicitor took place, and upon the taxation the solicitor shall not be deemed to be entitled to the full amount of the remuneration agreed to be paid to him, unless it shall appear that there has been no default, negligence, improper delay or other conduct on his part affording reasonable ground to the client for such change of solicitor.

Changing solicitor after making agreement.

41. Except as otherwise provided in sections 24 to 41, a bill of a solicitor for the amount due under any such agreement shall not be subject to any taxation or to any provision of law respecting the signing and delivery of a bill of a solicitor.

Bills under agreement not to be liable to taxation.

#### PART IV. REPEAL.

42. All Acts, enactments and Rules of Court inconsistent with this Act are hereby repealed.

Repeal of inconsistent enactments.

#### COMMENCEMENT OF ACT.

43.—(1) This Act shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation.

Act to come into force when proclaimed, in whole or in part.

(2) Any such proclamation may apply to the whole or any part or parts or portion or portions or section or sections of the Act, and proclamations may be issued as to any part or parts or portion or portions or section or sections of the Act at different periods.

#### CHAPTER



## CHAPTER 29.

## An Act respecting County and District Judges and Local Courts.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.  
 COUNTY JUDGES AND JUNIOR  
 JUDGES, ss. 2-9.  
 DEPUTY JUDGES, ss. 10-12.  
 OATH OF OFFICE, s. 13.

DUTIES AND POWERS OF JUDGES,  
 ss. 14-16.  
 SHORTHAND WRITERS, s. 17.  
 INTERPRETERS, s. 18.  
 REPEAL s. 19.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The County Judges Act.*"  
 R.S.O. 1897, c. 54, s. 1.

## JUDGES AND JUNIOR JUDGES.

Tenure of office  
by County  
Court Judges.

Removal.

2. The Judges of the several County and District Courts now holding office, as well as the Judges hereafter to be appointed shall hold their offices during good behaviour, but shall be subject to be removed by the Lieutenant-Governor for inability, incapacity or misbehaviour, established to the satisfaction of the Lieutenant-Governor in Council. R.S.O. 1897, c. 54, s. 2. [*See also* R.S.C. c. 138, s. 28.]

Qualification of  
Judges.

3. The person appointed to be the Judge or Junior Judge of a County or District Court shall be a Barrister of at least seven years' standing at the Bar of Ontario. R.S.O. 1897, c. 54, s. 3; 62 V. (2), c. 11, s. 6.

The Senior  
Judge to be  
styled "The  
Judge," etc.

4. Unless otherwise expressed in the commission, where more than one Judge of a County or District Court is appointed for a county or district, the Judge whose commission has priority of date shall be styled "The Judge of the



the County or District Court of " (as the case may be), and the other Judge of the same Court shall be styled "The Junior Judge of the County or District Court of " (as the case may be). R.S.O. 1897, c. 54, s. 4.

5.—(1) A Junior Judge may be appointed for a county or district the population of which exceeds 80,000.

Appointment of Junior County Court Judges.

(2) The recital in any commission heretofore or hereafter issued for the appointment of a Junior Judge that the population of the county or district for which he is appointed exceeds 80,000 shall be conclusive and shall not be open to question in any proceeding whatever. R.S.O. 1897, c. 54, s. 5.

Presumption as to population.

(3) A Junior Judge may be appointed for a county in which a city is situate and for which county a Junior Judge was appointed prior to the 13th day of April, 1897, and for any of the counties of Grey, Renfrew, Leeds and Grenville, Stormont, Dundas and Glengarry, Prescott and Russell, Northumberland and Durham, Ontario, Bruce, Simcoe, Huron, Lambton and Victoria, including Haldiburton, and for the Districts of Algoma, Nipissing and Thunder Bay. R.S.O. 1897, c. 54, s. 5 (5); 62 V. (2), c. 11, s. 38; 63 V. c. 17, s. 11; 2 Edw. VII. c. 12, s. 10; 3 Edw. VII. c. 7, s. 10.

Not to apply to certain counties.

6. Where any power or authority is, by this Act or otherwise, conferred upon or may be exercised by the Judge of a County or District Court, whether with reference to the holding of any of the courts of the county or district which he may hold, or to the business of any of such Courts, or to any other matter or thing over which he has jurisdiction, the like power and authority shall be possessed and may be exercised by a Junior Judge, subject to the general regulation and supervision of the Judge. R.S.O. 1897, c. 54, s. 14. *amended.*

7. A second junior judge and a third junior judge may be appointed for the County of York, who shall be called respectively the Second Junior Judge and the Third Junior Judge of the County Court of the County of York. R.S.O. 1897, c. 54, s. 6, *amended.*

Appointment of second Junior Judge for County of York.

8. Every Judge and Junior Judge of a County or District Court shall reside within the county or district for which he is appointed. R.S.O. 1897, c. 54, s. 7.

To reside within the County.

9. A Judge or Junior Judge shall not, directly or indirectly, practise as Counsel or Solicitor or act as a Notary Public or Conveyancer under the penalty of forfeiture of office and the further penalty of \$400. R.S.O. 1897, c. 54, s. 8.

Not to practise.

Penalty.

## DEPUTY JUDGES.

A Deputy Judge may be appointed.

10.—(1) A Barrister of at least three years' standing at the Bar of Ontario may be appointed to be Deputy Judge for any county or district.

(2) The appointment may be made notwithstanding that the office of Judge is vacant by death, or resignation, or that the Judge is ill or absent at the time of the appointment. R.S.O. 1897, c. 54, s. 9.

Tenure of office and powers.

11. A Deputy Judge shall hold office during pleasure, and in case of the death, illness, or absence of the Judge, shall have authority to perform in the place of the Judge, in the county or district for which he is appointed, all the duties of and incident to the office of the Judge, and all acts required or allowed to be done by the Judge under this or any other Act, unless therein otherwise expressly provided. R.S.O. 1897, c. 54, s. 10.

Not to be disabled from practising.

12. Nothing herein contained shall prevent a Deputy Judge from practising the profession of the law. R.S.O. 1897, c. 54, s. 11.

## OATH OF JUDGES.

Oath of office

13. Every Judge, Junior Judge and Deputy Judge before entering upon the duties of his office shall take and subscribe the following oath before some person appointed by the Lieutenant-Governor to administer the same, that is to say :

"I, \_\_\_\_\_, do swear that I will (*in the case of a Deputy Judge add the words as occasion may require,*) truly and faithfully, according to my skill and knowledge, execute the several duties, powers and trusts of Judge of the County or District Court of the County or District of \_\_\_\_\_, (*as the case may be*): So help me God."

R.S.O. 1897, c. 54, s. 12.

## DUTIES AND POWERS OF JUDGES.

Either or both Judges to preside in any of the Courts of the County or one in each Court simultaneously.

14.—(1) At any sittings of the County or District Court held at the same time as the sittings of the Court of General Sessions of the Peace, or of a Division Court in any county or district, or of any two of the Courts at the same time, either the Judge or the Junior Judge or both of them, may, if the Judge thinks fit, preside in any of the said Courts, or each of them in one of the said Courts at the same time, so that two of the Courts may sit and the business therein be proceeded with simultaneously.

Local Courts in York may sit simultaneously.

(2) The County Court of the County of York, the Court of General Sessions of the Peace, and the Division Courts of the said county, or any of the said Courts, may sit at the same

same time, and the business thereof may be proceeded with simultaneously. R.S.O. 1897, c. 54, s. 15.

15.—(1) It shall be competent for any Judge of a County or District Court to hold any of the Courts in any county or district or to perform any other duty as a Judge of a County or District Court in any such county or district upon being required so to do by an order of the Governor-General in Council made at the request of the Lieutenant-Governor.

Powers of Judge to act outside his county.

(2) The Judge of any County or District Court may without any such order perform any judicial duty in any county or district on being requested so to do by the Judge of the County or District Court to whom the duty for any reason belongs. R.S.O. 1897, c. 54, s. 16; (*see* R.S.C. 1906, c. 138, s. 31, *part*).

Judge may act at request of any other Judge.

(3) Any retired Judge of a County or District Court may hold any Court or perform any other duty of a Judge of a County or District Court in any county or district on being authorized so to do by an order of the Governor-General in Council made at the request of the Lieutenant-Governor. R.S.O. 1897, c. 54, s. 17; (*see* R.S.C. 1906, c. 138, s. 32, *part*).

Retired County Judges may act for County Judges in certain cases.

(4) The Judge so required, requested or authorized as aforesaid shall while acting be deemed to be a Judge of the County or District Court of the county or district in which he is so required or requested to act, and shall have all the powers of such Judge. R.S.O. 1897, c. 54, s. 18; (*see* R.S.C. 1906, c. 138, s. 31 (3)).

Power of a Judge so acting.

(5) In this section "Judge" shall include a Junior Judge.

16. The Lieutenant-Governor in Council may empower a Judge or Junior Judge of a County or District Court to transact at such place out of his county or district to be named in the Order in Council as may be deemed proper, all such business depending in his Court as may be transacted in Chambers where the solicitors for all parties reside in the place so named or with the consent of the solicitors for all parties. 7 Edw. VII. c. 23, s. 32.

Judge may be authorized to transact certain business out of his county.

#### SHORTHAND WRITERS.

17.—(1) A shorthand writer may be appointed by the Lieutenant-Governor in Council for the local courts of each County and Provisional Judicial District.

Shorthand writers—appointment of.

(2) The shorthand writer so appointed shall be subject to the direction of the Judge or in his absence of the Junior Judge or Judges and shall be entitled to such remuneration by salary or by fees or partly by salary and partly

To be under direction of Judge.

Remuneration.

partly by fees as the Lieutenant-Governor in Council may direct.

When paid by salary only.

(3) If such shorthand writer is paid by salary only the fees payable in respect of his duties shall be applied in reduction of his salary and the balance, if any, shall be paid by the county quarterly on the first days of January, April, July and October of every year.

Regulation of fees and duties.

(4) The fees and all matters relating to the duties of the shorthand writer shall be determined and regulated by the Judge of the County or District Court subject to the approval of the Lieutenant-Governor in Council.

City and separated town to contribute.

(5) The City of Toronto and every city and town aforesaid shall pay the county a proper proportion of the remuneration which in case of disagreement shall be determined by arbitration according to the provisions of *The Consolidated Municipal Act, 1903*, and subject thereto, and unless and until the same is otherwise determined the city or town shall pay to the county one-half of such remuneration. R.S.O. 1897, c. 54, ss. 27, 28; 9 Edw. VII., c. 26, s. 45.

3 Edw. VII., c. 19.

#### INTERPRETERS.

Appointment of official interpreters.

18. If the Council of any county by resolution requests the appointment of an official interpreter to act at the Courts held in that county, an appointment may be made in the same manner, and subject to the same terms and conditions as provided with respect to shorthand writers by the next preceding section which shall apply as nearly as may be to official interpreters. R.S.O. 1897, c. 54, s. 26.

Repeal.

19.—(1) Chapter 54 of the Revised Statutes of Ontario, 1897, and all amendments thereto are hereby repealed.

Saving as to existing county court districts.

(2) Notwithstanding the repeal of sections 19 to 28 of the said Act any district or group formed under the provisions of the said section 19 and now existing shall continue to exist and the provisions of the said sections shall continue to apply to such district or group.

[For certain Dominion enactments as to tenure of office and powers of Local Judges, see R.S.C. 1906, c. 138, ss. 30-32.]

#### CHAPTER

## CHAPTER 30.

An Act respecting the Courts of General Sessions of  
the Peace.*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.  
 INTERPRETATION, s. 2.  
 JURISDICTION, s. 3.  
 SITTINGS, ss. 4-9.

RESCINDING ORDERS, s. 10.  
 CLERK OF THE PEACE, s. 11.  
 TARIFF OF FEES, s. 12.  
 REPEAL, s. 13.

HIS MAJESTY, by and with the advice and consent  
 of the Legislative Assembly of the Province of  
 Ontario, enacts as follows:—

1. This Act may be cited as "*The General Sessions* Short title.  
*Act.*" R.S.O. 1897, c. 56, s. 1.

2. In this Act "the Court" shall mean "The Court of Interpretation.  
 General Sessions of the Peace."

## JURISDICTION.

3. The Courts of General Sessions of the Peace shall Jurisdiction.  
 have jurisdiction to try all criminal offences except homi-  
 cide, and the offences mentioned in section 583 of the Crim-  
 inal Code of Canada. (*New.*) (*See* R.S.O. 1897, c. 58.)

## SITTINGS.

4.—(1) Except in the County of York, sittings of the General Ses-  
 Court shall be held in every county semi-annually, com- sions when to  
 mencing on the second Tuesday in the months of June and be held.  
 December in each year. Rev. Stat. c.  
 54, s. 21.

(2) In the County of York, sittings of the Court shall be County of  
 held four times in the year, commencing on the first Tues- York.  
 day in the months of December and March, and on the  
 second Tuesday in the months of May and September in  
 each year. R.S.O. 1897, c. 56, s. 4.

5. The sittings of the Court shall be held in the county Where to be  
 town of the county, unless the Lieutenant-Governor, by held.  
 proclamation

proclamation, authorizes the holding of the sittings at some other place in the county. R. S. O. 1897, c. 56, s. 5.

Times for  
sittings of  
District Courts  
and General  
Sessions.

6. In the Provisional Judicial Districts sittings of the Court shall be held each year as follows:—

- (a) At Kenora, on the first Tuesday in the month of June, and the second Tuesday in the month of October;
- (b) At Port Arthur, on the third Tuesday in the month of May, and the second Tuesday in the month of November;
- (c) At Sault Ste. Marie, on the second Tuesday in the months of June and November; R.S.O. 1897, c. 109, s. 21, pars. 1-3.
- (d) At Gore Bay, on the last Tuesday in the month of May and the third Tuesday in the month of October; 62 V. (2), c. 14, s. 7.
- (e) At North Bay, on the second Tuesday in the months of June and November;
- (f) At Parry Sound, on the first Tuesday in the months of June and December; R.S.O. 1897, c. 109, s. 21 (6); 4 Edw. VII. c. 10, s. 25.
- (g) At Bracebridge, on the third Tuesday in the months of June and November; R.S.O. 1897, c. 109, s. 21, pars. 5-7.
- (h) At Sudbury, on the first Tuesday in the months of June and November; 7 Edw. VII., c. 25, s. 4.
- (i) At Fort Frances, on the first Tuesday in the months of June and November; 8 Edw. VII., c. 36, s. 4

County Judge to preside.

7. The Judge of the County or District Court as the case may be, or, in case of his death, illness or absence or at his request the Junior or Deputy Judge shall be the Chairman of the Court and shall preside at the sittings thereof. R.S.O. 1897, c. 56, s. 6.

Sitting of associate Justice of Peace dispensed with when a Judge present.

8. Where a Judge is present, it shall not be necessary, in order to constitute the Court, that an associate or other Justice of the Peace should be present. R.S.O. 1897, c. 56, s. 7.

Adjourning General Sessions owing to illness of Judge, &c.

9.—(1) Where a Judge is unable to hold the sittings at the time appointed, the Sheriff or his deputy, may, by proclamation adjourn the Court to any hour on the following day to be by him named, and so from day to day until a Judge is able to hold the Court or until he receives other directions from the Judge or from the Attorney-General.

(2)

(2) The Sheriff shall forthwith give notice of such adjournment to the Attorney-General. R.S.O. 1897, c. 56, s. 8. Attorney-General to be notified.

#### RESCINDING ORDERS OF COURT.

10. Except where otherwise provided by law, an order which has been passed or recorded by any number of Justices of the Peace shall not be rescinded unless at least the same number is present. R.S.O. 1897, c. 56, s. 10. No order of Justices to be rescinded unless at least same number present.

#### CLERK OF THE PEACE.

11.—(1) There shall be a Clerk of the Peace for every County and District, who shall be appointed by the Lieutenant-Governor in Council. *New.* Clerk of the Peace.

(2) No person shall be appointed Clerk of the Peace who is not a Barrister of at least three years' standing at the Bar of Ontario; and, except in the County of York, every Clerk of the Peace shall be *ex-officio* County or District Crown Attorney for the county or district of which he is Clerk of the Peace. Clerk to be a Barrister.  
*Ex-officio* County Crown Attorney.

(3) Except in the County of York, whenever a vacancy occurs in the office of the Clerk of the Peace for a county or district in which the Clerk of the Peace was not, previous to such vacancy occurring, also County or District Crown Attorney, the County or District Crown Attorney shall be *ex-officio* Clerk of the Peace. On any vacancy, County Crown Attorney to be Clerk of the Peace.

(4) Where a person holding the office of County or District Crown Attorney and Clerk of the Peace desires, on account of the condition of his health or from his age, to resign the former, retaining the latter office, he may do so with the approval of the Lieutenant-Governor in Council; and in such case the person appointed in his place shall, on a vacancy occurring in the office of the Clerk of the Peace, be *ex-officio* Clerk of the Peace. Resigning office of Crown Attorney and retaining office of Clerk of the Peace.

(5) In the County of York, the offices of Clerk of the Peace and County Crown Attorney may be held by different persons. R.S.O. 1897, c. 56, s. 11. In County of York offices of Clerk of the Peace and County Crown Attorney may be held by different persons.

*As to fees of Clerk of Peace, see R.S.O. 1897, c. 101.*

#### TARIFF OF FEES.

12.—(1) The Board of County Judges appointed under *The Division Courts Act*, or the majority of them, may frame a tariff of fees and costs to be allowed in respect of proceedings in the Courts of General Sessions of the Peace to counsel and solicitors practising therein, and to witnesses and to the Clerk of the Peace, including the County and District Crown Attorney. Board of County Judges to frame tariff of fees.  
Rev. Stat. c. 60.

(2)

Rev. Stat.  
c. 51.

(2) The Board or any three members thereof shall certify any tariff so framed or any amendment thereof to the Judges authorized to make rules under *The Judicature Act*, who may approve, disallow or amend such tariff or amendment.

(3) A tariff so approved, or amended and approved, shall have the same force and effect as if it had been enacted by the Legislature. R.S.O. 1897, c. 56, s. 12.

Repeal.

13. Chapter 56 of the Revised Statutes of Ontario, 1897, except sections 2 and 9, and all amendments to the said Act, and section 21 of *The Unorganized Territory Act*, are repealed.

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## CHAPTER 31

An Act respecting the County Court Judges  
Criminal Courts.*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The County Court Judges' Criminal Courts Act.*" Short title.

2.—(1) The Judge of every County and District Court, or the Junior or Deputy Judge thereof, authorized to preside at the sittings of the Court of the General Sessions of the Peace, is constituted a Court of Record for the trial, out of sessions and without a jury, of any person committed to gaol on a charge of being guilty of any offence for which such person may be tried at a Court of General Sessions of the Peace, and for which the person so committed consents to be tried out of sessions, and without a jury; and the Court so constituted shall have the powers and perform the duties mentioned in Part XVIII. of *The Criminal Code*. Judges of the County Court constituted a Court for trial of certain offenders without jury. Powers and duties. R.S.C., 1906, c. 146. R.S.O. 1897, c. 57, s. 1.

(2) The Court so constituted shall be called The County or District Court Judges' Criminal Court of the County or District in which the same is held, as the case may be. Style of Court. R.S.O. 1897, c. 57, s. 2; 1 Edw. VII. c. 12, s. 7.

3. Chapter 57 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed. Repeal.

## CHAPTER 32

## An Act to amend The Surrogate Courts Act.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.  
59 amended.

1. *The Surrogate Courts Act* is amended by adding thereto the following section after section 18:

Notice of  
contestation of  
claim against  
estate.

18a.—(1) Where a claim or demand is made against the estate of a deceased person which, in the opinion of his personal representative is unjust, in whole or in part, such personal representative may, at any time before payment, serve the claimant with a notice in writing that he contests the same in whole or in part, and if in part stating what part and also referring to this section.

Application to  
Judge for order  
allowing  
claim

(2) The claimant may thereupon apply to the Judge of the Surrogate Court out of which the letters of probate or letters of administration to the estate issued for an order allowing his claim and determining the amount thereof, and if he does not make such application within thirty days after receiving the notice, or within such further time as the Judge may allow, he shall be deemed to have abandoned his claim, and the same, or so much thereof as is contested, shall be forever barred.

Notice of  
application to  
be given to  
personal  
representative  
and others.

(3) Notice of the application shall be given to the personal representative, to such of the persons beneficially interested in the estate as the Judge may direct and, if infants are interested therein, to the Official Guardian, and they or any of them and any other person beneficially interested in the estate shall have the right to be heard and to take part in the proceedings, and, where an appeal lies, to appeal from any order that may be made.

Judge may  
deal with  
claim as on

(4) The Judge shall have the same power and authority as if the claim of the creditor were a claim made under a reference

reference to a Master, Local Master or Official Referee in an administration action or under an administration order, and his order, if the amount of the claim or the part of it which is contested exceeds \$200, shall be subject to appeal as provided by section 36, and the order upon being filed with the County Court of the County shall, irrespective of the amount, become and may be enforced in like manner as a judgment of that Court.

a reference to a Master or Referee.

(5) Where the claim or the part of it which is contested amounts to \$500 or more, instead of proceeding as provided by this section, the Judge shall on the application of either party, or of any of the parties mentioned in subsection 3, direct the creditor to bring an action in the High Court for the recovery of his claim on such terms and conditions as the Judge may deem just.

Where claim is \$500 or more leave may be granted to bring an action.

(6) The fees payable to the Judge and to the Registrar shall be the same as are allowed on an audit in an estate of a value equal to the amount of the claim or so much thereof as is contested.

Fees of Judge and Registrar.

2. The said Act is amended by adding the following sections:—

Rev. Stat., c. 59 amended.

43a. Letters of administration shall not be granted to a person not resident in Ontario.

Administration not to be granted to non-resident.

43b. Letters probate or letters ancillary shall not be granted to a person not resident in Ontario or elsewhere in British Dominions, unless such person shall have given the like security as is required from an administrator in case of intestacy unless, in the opinion of the Judge, such security should, under special circumstances, be dispensed with or be reduced in amount.

Probate or letters ancillary to persons not residing in British Dominions.

3. Section 35 of *The Trustee Act* is hereby repealed.

The Trustee Act, s. 35 repealed.

## CHAPTER 33

## An Act to amend the Act respecting Division Courts.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 60,  
s. 84 amended.

1. Section 84 of *The Division Courts Act* is amended by adding thereto the following words:

Place of trial  
in action for  
wages.

Provided that any action for wages of a woodman may be entered and tried in the Court holden for the division in which the contract of hiring was made, notwithstanding any stipulation in the contract of employment or otherwise. In this section "woodman" shall mean a person performing labour or services in connection with any logs or timber, and shall include cooks, blacksmiths, artisans and all others usually employed in connection with such labour or services.

Rev. Stat., c.  
60, s. 182  
repealed.

2. Section 182 of *The Division Courts Act* is repealed, and the following substituted therefor:

Garnishing  
wages or  
salary.

182.—(1) In all cases under the provisions of sections 186 and 190 where the debt sought to be garnished is for wages or salary, there shall be filed with the clerk an affidavit showing the residence of the primary debtor and the nature of his occupation in the service of the garnishee at the time of the issuing of the summons (if then in such service) and stating whether the debt alleged or adjudged to be due by the primary debtor to the primary creditor was or was not incurred for board or lodging, and there shall also be endorsed upon or annexed to the summons served on the garnishee a memorandum to the like effect and in the absence of such affidavit or memorandum the debt may be deemed by the garnishee not to have been incurred for board or lodging.

(2) If the primary debtor is alleged to be an unmarried person having no family depending on him for support, a statement to that effect verified by affidavit shall be filed with the clerk and the statement shall also be endorsed upon or annexed to the summons served on the garnishee; and in the absence of such affidavit or statement, such person may be deemed by the garnishee to have a family depending on him for support.

Statement that  
primary  
debtor is  
unmarried, etc.

## CHAPTER 34

## An Act respecting Jurors and Juries.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

QUALIFICATIONS, EXEMPTIONS AND  
DISQUALIFICATIONS OF JURORS,  
ss. 3-6.

COUNTY SELECTORS, ss. 7-15.

SELECTION AND DISTRIBUTION OF  
JURORS FROM THE ASSES-  
SMENT ROLL, ss. 16-24.PREPARATION OF JURORS' BOOKS,  
ss. 25-36.SELECTION OF JURORS FROM  
JURORS' ROLLS, ss. 37-43.JURORS AND JURIES IN PROVI-  
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s. 44.

JURY PROCESS, ss. 45-53.

DRAFTING PANELS FROM JURY  
LISTS, ss. 54-62.

SUMMONING JURORS, ss. 63-66.

EMPANELLING GRAND JURY, s.  
67.DRAWING JURORS AT THE TRIAL,  
ss. 68-72.

ENTRY OF NON-SERVICE, s. 73.

CHALLENGES, ss. 74-77.

SPECIAL JURIES, ss. 78-83.

Costs of Special Juries, ss.  
84, 85.

VIEWS BY JURORS, s. 86.

MISCELLANEOUS PROVISIONS:

Omissions not to vitiate ver-  
dicts, s. 87.No person to be summoned un-  
less on the Roll, s. 88.Certain Jury Writs abolished,  
s. 89.

FEES OF JURORS, ss. 90-95.

FUND FOR PAYMENT OF JURORS,  
ss. 96-98.FEES OF SELECTORS, CLERKS OF  
PEACE AND SHERIFFS, ss.  
99-102.

MODE OF PAYMENT, ss. 103, 104.

OFFENCES AND PENALTIES, ss. 105-  
111.GENERAL PROVISIONS, ss. 112-113.  
REPEAL, s. 114.

HIS MAJESTY, by and with the advice and consent  
of the Legislative Assembly of the Province of On-  
tario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Jurors' Act*." R.S.O.  
1897, c. 61, s. 1.

## INTERPRETATION.

Interpreta-  
tion.

2. In this Act,

"County."

(a) "County" shall include District.

"County  
Court."

(b) "County Court" shall include District Court.

(c)

(c) "County Selectors" shall include District Selectors. "County Selectors."

(d) "Sheriff" shall include a Coroner, an Elisor and every "Sheriff." other officer to whom the return of jury process belongs.  
R.S.O. 1897, c. 61, s. 2, *amended*.

#### QUALIFICATIONS, EXEMPTIONS, AND DISQUALIFICATIONS OF JURORS.

3.—(1) Subject to the provisions of section 44, unless Who qualified and liable to serve. exempted or disqualified, every male person of the age of twenty-one years or upwards, being a British subject by birth or naturalization and in the possession of his natural faculties, and not infirm or decrepit, who or whose wife is assessed upon the last revised assessment roll as owner or tenant in respect of real property, of the value of not less than \$600 in cities, and \$400 in towns, incorporated villages and townships, shall be qualified and liable to serve as a Juror on Grand and Petit Juries in the High Court, and in all Courts of civil or criminal jurisdiction within the county in which he resides. R.S.O. 1897, c. 61, s. 3.

(2) Where property is assessed as the property of Joint proprietors to be deemed equally interested. two or more persons jointly, they shall be treated as if severally assessed for equal proportions of the property.  
R.S.O. 1897, c. 61, s. 5.

4. The following persons shall be exempt from being returned and from serving as Grand or Petit Jurors, and their names shall not be entered on the rolls prepared and reported by the Selectors of Jurors as hereinafter mentioned: Persons exempted from serving as Jurors.

- (a) Every person sixty years of age or upwards;
- (b) Every member of the Privy Council of Canada and of the Executive Council of Ontario;
- (c) Every member of the Senate and of the House of Commons of Canada and of the Assembly;
- (d) The Secretaries of the Governor-General and of the Lieutenant-Governor;
- (e) Every officer and other person in the service of the Governor-General or of the Lieutenant-Governor;
- (f) Every officer, clerk and servant of the Senate and of the House of Commons of Canada, of the Assembly, and of the Public Departments of Canada and of Ontario;
- (g) Every officer and servant of the Dominion and Provincial Governments;

(h)

- (h) Every Judge;
- (i) Every Police Magistrate;
- (j) Every Sheriff, Coroner, Gaoler and Keeper of a House of Correction or Lock-up House;
- (k) Every Sheriff's Officer and Constable;
- (l) Every Minister, Priest or Ecclesiastic under any form or profession of religious faith or worship;
- (m) Every Barrister and every Solicitor of the Supreme Court actually practising, and every Student at Law;
- (n) Every Officer of any Court of Justice;
- (o) Every Physician, Surgeon, Dental Surgeon, Pharmaceutical Chemist and Veterinary Surgeon qualified to practise, and in actual practice;
- (p) Every Officer in His Majesty's Army or Navy on full pay;
- (q) The Officers, Non-commissioned Officers and men of every Militia Corps; and a certificate under the hand of the Officer commanding any such corps shall be sufficient evidence of the service in his corps of any Officer, Non-commissioned officer or man for the then current year, and of his exemption;
- (r) Every Pilot and Seaman engaged in the pursuit of his calling;
- (s) Every Head of a Municipal Council;
- (t) Every Municipal Treasurer, Clerk, Collector, Assessment Commissioner, Assessor and Officer;
- (u) Every Professor, Master, Teacher, officer and servant of any University, College, Institute of learning or School;
- (v) Every Editor, Reporter, and Printer of any public newspaper or journal;
- (w) Every person employed in the management, working of a Railway or Street Railway;
- (x) Every Telegraph and Telephone Operator;
- (y) Every Miller;
- (z)



(z) Every Fireman belonging to any Fire Department or Company who has procured the certificate authorized by section 2 of *The Act to exempt Firemen from certain Local Services* during the period of his enrolment and continuance in actual duty as such Fireman; and every Fireman who is entitled to and who has received the certificate authorized by sections 5 and 6 of the said Act; but no Fireman shall be exempt from serving as a Juror, unless the captain or other officer of the Fire Department or Company, at least five days before the time appointed for the selection of Jurors, notifies to the Clerk of the municipality the names of the Firemen belonging to his department or company, and residing within the municipality, who are exempt and claims exemption for them. R.S.O. 1897, c. 61, s. 6.

Rev. Stat.  
c. 231.

5. Service at a Division Court shall not exempt a Juror from serving at any other Court. R.S.O. 1897, c. 61, s. 8.

Service at  
Division  
Courts not to  
exempt.

6. No person convicted of treason, felony, perjury or subornation of perjury, unless he has obtained a free pardon, shall be qualified to serve as a Grand or Petit Juror. R.S.O. 1897, c. 61, s. 10.

Convicted persons disqual-  
ified.

#### COUNTY SELECTORS.

7.—(1) The Judge of the County Court the junior Judge thereof, the Mayor of any city situate in the county, the Warden, the Treasurer of the County, the Treasurer of any such City, and the Sheriff or in his absence the Deputy Sheriff, any three of whom shall be a quorum, shall be *ex-officio* Selectors of Jurors, from the Jurors' Rolls within their respective counties and shall be known as "County Selectors." R.S.O. 1897, c. 61, s. 11 (1); 4 Edw. VII. c. 10, s. 17 (1).

County  
Selectors.

(2) The Judge of the County Court and in his absence the Junior Judge shall be the Chairman, and in the absence of both the County Selectors may appoint a Chairman *pro tempore*.

Chairman.

(3) In the County of York,

(a) The Sheriff of the City of Toronto or in his absence the Deputy Sheriff shall be one of the County Selectors;

Special provi-  
sions as to  
County of  
York.

(b) The Judge of the County Court, the Sheriff of the County of York, or in his absence his Deputy, and the Warden and Treasurer of the county only shall attend when the selection is being made from the local municipalities of the county other than the City of Toronto;

(c)

(c) The senior of the Junior Judges, the Sheriff of the City of Toronto or in his absence his Deputy, and the Mayor and Treasurer of the City of Toronto only shall attend when the selection is being made for the City of Toronto;

(d) The senior of the Junior Judges shall be the Chairman of the City section of the County Selectors and in his absence the members of that section may appoint from among themselves a Chairman *pro tempore*.

Casting vote.

(4) In case of an equality of votes the Chairman of the meeting shall have a double or casting vote.

County Clerk or Clerk of County Court a Selector, when.

8. Where the County Treasurer is a practising barrister or solicitor he shall be disqualified from acting as a County Selector, and the Clerk of the County Council, or if he is a practising barrister or solicitor, the Clerk of the County Court shall be a County Selector in the stead of the County Treasurer. R.S.O. 1897, c. 61, s. 12.

Clerk of Peace to attend meetings of County Selectors.

9. The Clerk of the Peace shall attend all meetings of the County Selectors and shall enter their proceedings and resolutions in a book kept for that purpose, but he shall have no voice in the selection of Jurors and shall not advise or express an opinion whether any name ought to be placed upon or omitted from the list of Jurors. R.S.O. 1897, c. 61, s. 13, *part*.

Annual meeting of County Selectors.

10. The County Selectors shall assemble annually at the office of the Clerk of the Peace, or at the Court House, on the 15th day of September, for the purpose of determining the number of Grand and Petit Jurors for the High Court and Inferior Courts respectively, which shall be returned by the local municipalities, to the Clerk of the Peace, for service during the ensuing year. R.S.O. 1897, c. 61, s. 13.

Determining number of Jurors for the year.

11. The County Selectors shall at such meeting, by resolution, first determine and declare the number of Grand and Petit Jurors respectively that will be required as jury panels for service at the Courts during the ensuing year, and shall fix the total number of Grand and Petit jurors for the High Court and for the Inferior Courts which the local municipalities shall return at three times the number declared by the resolution to be required. R.S.O. 1897, c. 61, s. 14.

Determining number of Jurors from each municipality.

12. The County Selectors shall then, by resolution, determine the number of Grand and Petit Jurors for the High Court and for the Inferior Courts to be returned for each local municipality, and the number of persons on the Voters' List of each municipality, marked as qualified to  
serve

serve on juries, shall form an approximate basis for determining the number of Jurors to be returned by each local municipality, and the Clerk of the Peace shall produce for the use of the County Selectors the Voters' Lists delivered to him by the Clerks of the local municipalities under the provisions of *The Ontario Voters' Lists Act*, or certified copies of such lists. R.S.O. 1897, c. 61, s. 15.

7 Edw. VII.  
c. 4.

13.—(1) The County Selectors shall also, by resolution at such meeting, determine the number of Petit Jurors to be drafted and returned to any Sittings of the High Court, the Court of General Sessions of the Peace, and the County Court, for the current or ensuing year.

County Selectors to determine the number of petit jurors to be drafted and returned to each Court.

(2) The Clerk of the Peace shall forthwith transmit to the Central Office of the High Court and to the Clerk of the County Court, a certified copy of such resolution, and such copies shall be filed in the said offices. R.S.O. 1897, c. 61, s. 52; 3 Edw. VII. c. 7, s. 15.

14. The County Selectors may by resolution amend any resolution passed under the provisions of sections 10 to 13 and either increase or decrease the number of Jurors to be selected and returned by the local municipalities, the number to be selected by the County Selectors, or the number of Petit Jurors to be drafted and returned to any sittings of the High Court, the Court of General Sessions of the Peace, or the County Court, and in such case due notice thereof shall be given by the Clerk of the Peace to the persons entitled to notice of the original resolution. R.S.O. 1897, c. 61 s. 53.

Power to amend resolutions.

15. The Clerk of the Peace shall within five days after the meeting of the County Selectors, notify in writing the Clerk of each local municipality of the number of Grand and Petit Jurors respectively required to be returned from the municipality. R.S.O. 1897, c. 61, s. 16.

Clerk of the Peace to notify Clerks of local municipalities.

#### SELECTION AND DISTRIBUTION OF JURORS FROM THE ASSESSMENT ROLL.

16. The Head of the Council, the Clerk, the Assessment Commissioner and the Assessors of every local municipality, any two of whom shall be a quorum, shall be *ex-officio* the Local Selectors of Jurors for the municipality. R.S.O. 1897, c. 61, s. 17.

Certain municipal functionaries to be municipal selectors of jurors.

17.—(1) The Local Selectors shall meet annually on the 10th day of October at the place where the meetings of the municipal council are usually held, or at such other place within the municipality as may be appointed by the Head of the Council, or during his absence, or a vacancy in the

When and where the selection shall be made.

the office, by the Clerk, for the purpose of selecting from the assessment roll the names of the persons qualified and liable to serve as Jurors. R.S.O. 1897, c. 61, s. 18.

Principles by which the selectors are to be governed.

(2) The Local Selectors shall proceed *de die in diem* until the selection is completed and shall select such persons as in their opinion, or in the opinion of a majority of them, are from the integrity of their characters, the soundness of their judgment and the extent of their information the most discreet and competent for the performance of the duties of Jurors. R.S.O. 1897, c. 61, s. 19.

Assessment rolls to be produced.

(3) The Clerk, or the Assessment Commissioner, or Assessors, or the other officer or person who has the actual charge or custody of the assessment roll for the year and the proper voters' list shall bring them to such meeting. R.S.O. 1897, c. 61, s. 20.

Meeting of selectors.

(4) The Local Selectors, before entering upon the performance of their duties, shall severally make and subscribe an oath in the form following:

Selectors to be sworn.

The oath.

I, A. B., do swear (*or affirm, as the case may be*) that I will truly, faithfully and impartially, without fear, favour or affection, and to the best of my knowledge and ability, perform the duty of a local Selector of Jurors, and will select from the proper lists the requisite number of the most fit and proper persons to serve as Jurors for the year 19

Sworn (*or affirmed*) before me, at  
the day of

19  
(Signed) A.B.

(Signed) C. D.,

which oath a Justice of the Peace, a Commissioner for taking affidavits or a Notary Public may administer. R.S.O. 1897, c. 61, s. 21.

Manner in which municipal selectors to make list from which to select jurors.

18.—(1) The Local Selectors shall, from the certified Voters' Lists for the municipality for the year, if the list has been certified, or if the same has not been certified, then from the list for the year published by the Clerk of the municipality, or if no such list has been published, then from the last certified list, or if there is no certified list, then from the last revised assessment roll, write down twice as many of the names of persons appearing by the last revised assessment roll to be possessed of the requisite property qualification and otherwise qualified to serve as Jurors, as have been required by the County Selectors to be selected and returned from the municipality, and the proper assessment roll shall in all cases be referred to by the Local Selectors for the purpose of determining who are exempt or disqualified from acting as Jurors, and for such other purposes as are necessary in the discharge of their duty.

(2) The Local Selectors shall from year to year in making the selection, proceed in alphabetical order, and shall write down consecutively in like order the names of all those persons qualified to serve as Jurors and not exempt by law, until twice the total number required to be returned from the municipality is obtained, and at each subsequent annual meeting the Local Selectors shall begin at the letter next to that at which they left off in the next preceding year, and so on, until they shall have gone through all the remaining letters of the alphabet, when they shall again begin with the letter A.

Selection to be made in alphabetical order.

(3) In the event of the Local Selectors obtaining the names of a sufficient number of qualified persons after they have entered upon, but not before they have exhausted the entire number of those qualified under any one letter, they shall at the next annual selection commence at the beginning of such letter, but shall not select from the names of any persons that were written down and selected from and returned in the next preceding year.

Procedure when number qualified under one letter not exhausted.

(4) Where, after discarding the names of those exempt or incapacitated, the number of qualified persons required by the Local Selectors to be selected from the municipality cannot be obtained, the Local Selectors shall place on the list the names only of such persons within the municipality as are qualified, and the number of Jurors required shall be selected from such list, and the Clerk shall notify the County Selectors of the facts, and they shall at their next and subsequent selections have regard thereto.

Who to be placed on list by municipal selectors where number of names of duly qualified persons not sufficient.

Clerk to notify county selectors of facts.

(5) The Local Selectors shall select at least two-thirds of the persons whose names they have so written down, being those who in their opinion are the best qualified to serve as Jurors, and shall place a number opposite each name so selected.

Local Selectors to select two-thirds of names on list.

(6) The inability of the Local Selectors, after discarding the names of those exempt or incapacitated, to find twice the number of persons having the proper qualification, that have been required by the County Selectors to be selected and returned, or to find the number required by the County Selectors to be selected and returned shall not invalidate or render irregular the selection by them of the Jury List or panel, or render the same liable to challenge. R.S.O. 1897, c. 61, s. 22.

Inability of municipal selectors to find numbers of names required by county selectors not to affect jury panel.

19. It shall not be necessary for the Local Selectors to refer to any name on the assessment roll which has not the letter J opposite to it in the Voters' List, unless they suspect that names are not properly marked. R.S.O. 1897, c. 61, s. 23.

Voters' list to show persons qualified to serve as jurors.

In case of an equality of votes among the selectors, who to have the casting vote.

20. In case of an equality of votes as to any question, the Head of the Council, or, in the case of his absence or a vacancy in the office, the Clerk, shall have a double or casting vote. R.S.O. 1897, c. 61, s. 24.

Jurors to be selected by ballot.

21.—(1) The Local Selectors shall prepare as many ballot papers of uniform and convenient size as there are names selected, and the ballot papers shall be numbered to correspond with the numbers opposite to the names of the two-thirds selected, and they shall then proceed to select by ballot, the number of Jurors required by the County Selectors.

Manner of balloting.

(2) The manner of balloting shall be as follows:

(a) The Local Selectors shall place the ballot papers, correctly numbered, in a box or urn, and shall cause it to be shaken so as sufficiently to mix the ballot papers, and shall then openly draw from the box or urn indiscriminately, one of the ballot papers, and declare openly the number on such ballot paper, whereupon the clerk, or one of the Local Selectors, shall immediately declare aloud the name of the person opposite whose name the corresponding number is placed on the list;

(b) The name and addition of the person who has been so selected shall then be written down, and the Local Selectors shall proceed in like manner until the necessary number has been completed. R.S.O. 1897, c. 61, s. 25.

Jurors to be distributed into four divisions.

22.—(1) When the Local Selectors have completed the selection, they shall, for the purpose of the report thereof, distribute the names of the persons so selected into four divisions; the first consisting of persons to serve as Grand Jurors in the High Court; the second, of persons to serve as Grand Jurors in the Inferior Courts; the third, of persons to serve as Petit Jurors in the High Court; and the fourth, of persons to serve as Petit Jurors in the Inferior Courts, and shall make such distribution according to the best of their judgment with a view to the relative competency of the persons to discharge the duties required of them respectively. R.S.O. 1897, c. 61, s. 26.

Selectors to make distribution among the four divisions.

(2) The distribution among the four divisions shall be made so that each division shall contain the number of names required by the County Selectors to be returned for such division. R.S.O. 1897, c. 61, s. 27.

23.—(1) The Local Selectors shall make out in duplicate under their hands and seals, or under the hands and seals of such of them as perform the duty, a report (Schedule A) of their selection, ballot and distribution in which they shall set forth in alphabetical order the names of the persons selected.

Selectors to make out a duplicate report, etc.

(2) There shall be subjoined to each duplicate a declaration, subscribed by them, stating, each for himself, that he has made the selection, ballot and distribution to the best of his judgment and information pursuant to this Act, and without fear, favour or affection, gain, reward or hope thereof, other than such fees as he is lawfully entitled to receive for the same under the authority of this Act.

Declaration to be subjoined to the report.

(3) One of such duplicates shall, on or before the 25th day of October, be deposited by the Local Selectors with the Clerk of the Peace, and the other with the Clerk of the municipality; and they shall be kept on file for the use and information of all who may have lawful occasion to examine or make use of them.

Reports to be deposited with certain officers.

Who shall keep the same on file.

(4) In case of the loss or destruction of a duplicate report, the officer in whose office the same was when so lost or destroyed, shall, as soon as reasonably may be, procure from the officer to whom the legal custody of the other duplicate report belongs, a certified copy thereof, and shall file the same in his office, and such certified copy shall thenceforth be taken, received and acted upon in all respects as if it were the duplicate report so lost or destroyed. R.S.O. 1897, c. 61, s. 28.

In case of loss, a copy of the duplicate report to be filed.

24. The Clerk shall enter in a book to be kept for that purpose, the dates of the meetings of the Local Selectors, the persons present thereat and taking part therein, and the letters of the alphabet from which the selections are from year to year made, and when the names in any letter have not been exhausted in any year, the Clerk shall enter in such book the names and additions of all persons whose names begin with the last mentioned letter that were written down and selected from and returned during the then current year. R.S.O. 1897, c. 61, s. 25, *part*.

Record to be kept by clerk of municipality.

#### PREPARATION OF JURORS' BOOKS.

25. The Clerk of the Peace shall in each year procure a book to be called "The Jurors' Book," and shall keep the same as nearly as may be in the form of Schedule B, and according to the directions contained in the notes to the Schedule. R.S.O. 1897, c. 61, s. 29.

Clerk of the Peace to prepare Jurors' books in form of schedule B.



In which shall  
be entered the  
names of  
Grand and  
Petit Jurors

26. From the reports of the Local Selectors made to the Clerk of the Peace for such year, or from such of them as have been made on or before the 25th day of October, the Clerk of the Peace shall between the 25th day of October and the 10th day of November in such year, transcribe into the Jurors' Book, in alphabetical order, the names and additions of all persons selected to serve as Grand and Petit Jurors, as the same are set forth and distributed in such reports. R.S.O. 1897, c. 61, s. 30.

Such books to  
contain four  
rolls of Jurors.

27. The names shall be transcribed into the book in four Rolls: the first to be called, "Roll of Grand Jurors to serve in the High Court of Justice," the second, "Roll of Grand Jurors to serve in the Inferior Courts of Criminal Jurisdiction," the third, "Roll of Petit Jurors to serve in the High Court of Justice," and the fourth, "Roll of Petit Jurors to serve in the Inferior Courts of Criminal and Civil Jurisdiction." R.S.O. 1897, c. 61, s. 31.

Names and  
additions of  
Jurors.

28. In each of the Rolls shall be transcribed the names and additions of all persons selected, ballotted and reported to serve as Jurors. R.S.O. 1897, c. 61, s. 32.

Clerk of the  
Peace to pre-  
pare certified  
copies of books  
and deposit  
same, etc.

29.—(1) The Clerk of the Peace, on or before the 31st day of December in each year, shall cause a correct copy of such Jurors' Book, certified by him to be a true copy to be made, and, in the County of York, deposited in the Central Office of the High Court, and in other counties, in the office of the Deputy Clerk of the Crown, or of the Local Registrar of the High Court.

Where original  
Jurors' book is  
destroyed.

(2) In case of the loss or destruction of the original Jurors' Book, the Clerk of the Peace shall forthwith procure from the Central office or from the Deputy Clerk of the Crown or the Local Registrar of the High Court, as the case may be, a copy of the Jurors' Book, so deposited, certified by the Clerk of Records and Writs, the Deputy Clerk of the Crown, or Local Registrar of the High Court to be a true copy.

Duplicate  
Jurors' book to  
be certified.

(3) He shall thereupon cause to be proved before a Judge of the County Court of the County the loss or destruction of the Jurors' Book; and the copy so certified, together with a certificate of the Judge attached thereto that such loss or destruction has been proved to his satisfaction, shall thereupon be kept by the Clerk of the Peace in his office, and the same shall be received and used for all purposes in lieu of the original.

Entry of panels  
in duplicate  
original of  
Jurors' book.

(4) The Clerk of the Peace shall forthwith thereafter give notice to the Sheriff of such loss or destruction and of the procurement and deposit of the duplicate and the Sheriff shall thereupon forthwith furnish copies of all panels



panels of Jurors drafted by him from the Jury Lists in the original book to the Clerk of the Peace, who shall thereupon enter the panels in the duplicate Jurors' Book, in like manner as the same were entered in the original R.S.O. 1897, c. 61, ss. 33, 34, 35.

#### DIVISION OF JURORS' ROLLS.

30. The Jurors' Rolls shall each be divided into local municipalities and the names within each municipality shall be arranged alphabetically, and all the names in each of such Rolls shall be numbered consecutively. R.S.O. 1897, c. 61, s. 41.

How such  
Jurors' Rolls  
are to be  
divided  
and names  
arranged and  
numbered.

31. To each of such Rolls shall be subjoined a certificate of the Clerk of the Peace, that he has carefully compared such Roll with the reports made by the Local Selectors of Jurors for the year, as such reports were on file in his office on the 25th day of October in such year, and that the Roll contains a true and correct transcript of the names and additions of all persons so reported to serve as Jurors. R.S.O. 1897, c. 61, s. 42.

How the Rolls  
are to be  
certified.

32.—(1) The Clerk of the Peace shall on the first day of the sittings of the Court of General Sessions of the Peace, held next after the 10th day of November in each year, bring into Court and publicly deliver to the presiding Judge the Jurors' Book so prepared by him for the then next year, together with the Jurors' Books for so many of the preceding years as may be required for proceeding with the preparation of the Jury Lists as hereinafter directed, and shall thereupon make oath in open Court:

Clerk of the  
Peace to bring  
Jurors' Book  
into General  
Sessions  
yearly and  
make oath—

- (a) That he has carefully compared the Jurors' Rolls in the first mentioned Jurors' Book with the reports made by the Local Selectors, as the same were on file in his office on the 25th day of October next preceding, and that to the best of his knowledge and belief such Jurors' Rolls contain a true and correct transcript of the names and additions of all persons reported by the Local Selectors;
- (b) That the Jurors' Books secondly above mentioned are those on file in his office for the years to which they purport respectively to relate, and that all entries therein were truly and faithfully made, without fraud or collusion of any kind, and according to the very truth. R.S.O. 1897, c. 61, s. 43.

That he has  
compared  
Jurors' Rolls.

If the Clerk has been changed the oath to be modified.

(2) If the Clerk of the Peace has not been in office during all the time that the Jurors' Books have been on file he shall make oath, in open Court, that all entries made during the time that he has been in office, have been truly and faithfully made without fraud or collusion of any kind, and according to the very truth, and that he verily believes that all other entries prior to his appointment, were truly and faithfully made. R.S.O. 1897, c. 61, s. 44.

The oath to be modified also when the books are brought in for the first time.

33. On the first occasion of bringing into Court a Jurors' Book, there being no Jurors' Book for any preceding year, the oath to be made by the Clerk of the Peace shall be modified accordingly. R.S.O. 1897, c. 61, s. 45.

If the Clerk of the Peace suspects previous errors or fraud, he is to state the same.

34. If the Clerk of the Peace is unable to make the oath required by subsection 2 of section 32, as to the entries made in any of such Jurors' Books previous to the time of such book coming into his custody, or has reason to suspect that any original entry in such book has, after its original completion, been erased, mutilated or altered, he shall in lieu of that part of the oath, make oath that, as to such entry, he is unable to speak, but that from circumstances which have come to his knowledge, or of which he has been informed, he has reason to doubt the correctness thereof, or has reason to suspect that an original entry has been erased, mutilated or altered. R.S.O. 1897, c. 61, s. 46.

The General Sessions shall inquire into the matter.

35. Where the Clerk of the Peace has made an affidavit in the terms of the last preceding section, the Court of General Sessions of the Peace, immediately after the selection has been completed, either on the same or on a subsequent day, shall examine and enquire, by the oath of such persons as may be informed thereof, into the supposed incorrect entries, erasures, mutilations or alterations, their nature and extent, and by whom, when and for what purpose they were made, and shall punish the persons found to have made the same by fine or imprisonment in the discretion of the Court, and shall cause the incorrect entries, erasures, mutilations or alterations to be rectified, and the books restored to their original state as nearly as may be, according to the best information the Court has been able to obtain of or concerning the same. R.S.O. 1897, c. 61, s. 47.

The receipt of the books, etc. to be certified by the Chairman.

36. The presiding Judge shall thereupon certify under his hand and seal, in each of such books, the receipt thereof and the oath upon which the same has been received, and a remembrance of the same shall, by the proper officer, be also made in the minutes of the Court. R.S.O. 1897, c. 61, s. 48.



Clerk of the Peace to enter names in the book

(4) The Clerk of the Peace shall thereupon mark each of such names on the last mentioned roll as transferred to such Jury List, by a reference to the number belonging to it on that list.

List so made to be the Grand Jury list for High Court.

(5) The list of names, so selected and transferred, shall be the Grand Jury List for the High Court, for the year next after that in which the same has been so prepared. R.S.O. 1897, c. 61, s. 54.

Grand Jury list for inferior Courts to be made in like manner.

39. After the Grand Jury List for the High Court has been completed, the required number of names of persons to serve as Grand Jurors in the Inferior Courts shall, in like manner, be selected and transferred to a similar list in the same book, with the title "The Grand Jury List for the Inferior Courts" for such next year, and the last mentioned list shall be the Grand Jury List for the Inferior Courts for the year next after that in which the same has been so prepared. R.S.O. 1897, c. 61, s. 55.

And then lists of petit jurors of High Court and inferior courts.

40. The required number of names shall in like manner be selected and transferred from the Roll of Jurors to serve as Petit Jurors in the High Court to the Petit Jury List for the High Court for such year, and lastly from the Roll of Jurors to serve as Petit Jurors in the Inferior Courts to the Petit Jury List for the Inferior Courts for such year. R.S.O. 1897, c. 61, s. 56.

Number to be selected for jury list

41. The number to be selected from the Jurors' Rolls for a Jury List shall be the number of Grand Jurors that the County Selectors have determined to be requisite for the year, and of Petit Jurors for the High Court and Inferior Courts respectively the number theretofore determined by the County Selectors to be requisite as the panels for the year, with one-fourth the number thereof added thereto. R.S.O. 1897, c. 61, s. 57.

Selectors may select any jury list before previous ones transferred to jurors' book.

42. The County Selectors may prepare any of the Jury Lists before the previous lists or any of them have been transferred to the Jurors' Book. R.S.O. 1897, c. 61, s. 58.

The chairman and Clerk of the Peace to certify books.

43. So soon as the four Jury Lists have been so prepared, the Chairman and the Clerk of the Peace shall certify under their hands in the Jurors' Book, immediately after each of such Jury Lists, that the same was prepared from the proper roll, as the law directs and the date of its preparation; and the Jurors' Book, with the Jury Lists so certified, shall then be filed in the office of the Clerk of the Peace. R.S.O. 1897, c. 61, s. 59.

## PROVISIONAL JUDICIAL DISTRICTS.

44.—(1) In a Provisional Judicial District where there are two Judges of the District Court, the Judges and the Sheriff, and where there is but one Judge, the Judge, the Clerk of the District Court and the Sheriff shall be the District Selectors of Jurors. District Selectors.

(2) Save as herein otherwise provided the District Selectors of Jurors shall perform the like duties and possess the like powers as County Selectors of Jurors, and the Sheriff and Clerk of the Peace of the District shall respectively perform the like duties and possess the like powers with respect to the selection, empanelling and summoning of Jurors and otherwise as the Sheriff and the Clerk of the Peace of a county. To have powers and duties of County Selectors.

(3) The provisions of this Act with regard to the selection and distribution of Jurors by the Local Selectors of Jurors shall apply to every local municipality in a Provisional Judicial District. Local Selectors.

(4) After the District Selectors at the meeting to be held as provided in section 10 have determined and declared the number of Grand and Petit Jurors respectively that will be required as jury panels for service at the Courts during the ensuing year they shall by resolution fix the total number of Grand and Petit Jurors for the High Court and for the Inferior Courts which shall be returned by the local municipalities and the total number which shall be selected by the District Selectors from territory without municipal organization. Number of Grand and Petit Jurors to be returned.

(5) The District Selectors shall then proceed to select from among the male persons of the full age of twenty-one years resident in territory without municipal organization a list of persons to serve as Grand and Petit Jurors respectively with those to be selected from the local municipalities. Selection by District Selectors.

(6) No person shall be selected to serve as a Juror from territory without municipal organization who is exempted or disqualified under the provisions of this Act. Persons exempt not to be selected.

(7) No property qualification shall be required in the case of any person selected from territory without municipal organization. Property qualification, when not required.

(8) In making up any list of Jurors from territory without municipal organization the District Selectors may have recourse to the last Voters' List prepared and certified for such territory and to any Assessment or Collector's Roll prepared for school purposes, and may proceed upon any information furnished by such list or roll or possessed or acquired by them in any other manner, but the persons selected Use of Voters' List, etc.

selected shall be such as from the integrity of their character, the soundness of their judgment and the extent of their information are in the opinion of the District Selectors, the most discreet and competent for the performance of the duties of Jurors. (*New.*)

Clerk of Peace  
to deliver  
Jurors books to  
Judge in  
Chambers.

(9) The Clerk of the Peace instead of bringing into Court and delivering the Jurors' Books as provided by section 32 shall on or before the 15th day of December in each year deliver them to the Judge at his chambers and shall take the prescribed oath before him. (*New.*)

#### JURY PROCESS.

Judges to  
issue precepts  
to the Sheriffs.

45.—(1) The Judges of the High Court, or one or more of them for the holding of any sittings of the High Court, and the Judge of the County Court, for the holding of any sittings of the County Court or of the Court of General Sessions of the Peace may respectively issue precepts (Form 1, Schedule D), to the Sheriff for the return of a proper number of Grand Jurors for such sittings, and of such number of Petit Jurors as the County Selectors shall have determined as the number to be drafted and returned or such greater or less number as in their or his opinion is required. R.S.O. 1897, c. 61, s. 66 (1); 3 Edw. VII. c. 7, s. 14.

Number of  
Grand Jurors.

(2) The precepts for the return of Grand Jurors shall command the return, and the panel shall consist of thirteen Grand Jurors. R.S.O. 1897, c. 61, s. 66 (3).

Judge of  
county court  
may order  
additional  
petit jurors  
for High Court  
Sittings.

46.—(1) The Judge of the County Court, if after the issue of the precept it appears to him expedient, may at any time prior to the day appointed for the sittings of the High Court, by order under his hand and seal, and the Judge assigned to hold the sittings or the presiding Judge may, at any time before or during the sittings of such Court, by order under his hand and seal, direct the Sheriff to return an additional number of Petit Jurors.

Additional  
petit jurors for  
inferior courts.

(2) The Judge of the County Court, after the issue of the precept, at any time prior to or during the sittings of the County Court or Court of General Sessions of the Peace, by order under his hand and seal may direct the Sheriff to return an additional number of Petit Jurors.

Duty of Sheriff  
as to drafting  
additional  
number of  
jurors.

(3) The Sheriff, upon the receipt of any such order shall forthwith draft such additional number of Jurors in the manner provided by this Act, and shall add their names to the panel, and shall forthwith thereafter summon them. R.S.O. 1897, c. 61, s. 67.

Proper officer  
to procure pre-  
cepts for re-  
turn of panels,  
and transmit  
to proper  
officers.

47. The proper officer in the Central Office of the High Court shall procure the precepts for the return of panels of Grand and Petit Jurors required for the sittings of the High

High Court, and transmit the same to the Sheriffs as soon as conveniently may be after the day has been appointed for the sittings for which the Jurors are required. R.S.O. 1897, c. 61, ss. 69, 70.

48. Where the same day is appointed for holding the Court of General Sessions of the Peace and the Sittings of the County Court, the Sheriff may return the same panel to the precepts for the panels of Petit Jurors. R.S.O. 1897, c. 61, s. 71.

Time for procuring precepts.  
Sheriff may return the same panels to General Sessions and County Courts;

49.—(1) Where a Judge of the High Court deems it necessary to have two or more sets of Petit Jurors to serve at any sittings of the High Court, he may direct the Sheriff to return such number of Petit Jurors, not exceeding in the County of York three hundred and eighty-four, in the County of Wentworth two hundred and sixteen, and in any other County one hundred and forty-four, as such Judge may think fit, and such Judge shall fix and direct the number of sets and the day for which each set shall be summoned.

According to the precept;

Within certain limits as to numbers.

(2) The Sheriff shall divide such Jurors into as many sets as may be directed and shall in the summons to every Juror, specify at what time his attendance will be required.

Sheriff to divide jurors into sets.

(3) Each set shall for all purposes be deemed a separate panel. R.S.O. 1897, c. 61, s. 72.

Each set to be deemed a separate panel.

50. Subject to the provisions of this Act the High Court and the Judges thereof shall have the same power and authority as heretofore in issuing any precept, or in making any award or order orally or otherwise for the return of a Jury for the trial of any issue before the Court, or for the amending or enlarging the panel of Jurors returned for the trial of any such issue; and the return to any precept, award or order shall be made in the manner heretofore used and accustomed, and the Jurors shall, as heretofore, be returned from the body of the county, and shall be qualified according to this Act. R.S.O. 1897, c. 61, s. 73.

The High Court may issue writs and precepts as heretofore.

51. The provisions of this Act, respecting the issue of precepts for the return of a panel of Grand Jurors for the sittings of the High Court, as well as for the execution and return of the precepts, with all things touching the same, shall in all particulars be observed and followed with respect to the sittings of the Court of General Sessions of the Peace. R.S.O. 1897, c. 61, s. 74.

The directions for precepts, etc., at sittings of High Court to apply also to the General Sessions.

52. The provisions of this Act respecting the issue of precepts for the return of a general panel of Petit Jurors for the sittings of the High Court, as well as for the execution

And county courts.

tion



tion and return of the precepts with all things touching the same, shall be observed and followed in all particulars with respect to the sittings of the several County Courts, except that the number of Petit Jurors to be summoned in the County of York shall not exceed two hundred and eighty-eight. R.S.O. 1897, c. 61, s. 75.

Summoning  
of jurors  
for City of  
Toronto and  
County of  
York.

53. Precepts for the County of York shall be directed to the Sheriff to whom is assigned the Court for which the Jurors are to be summoned, and the Sheriff whether of the City of Toronto or of the County of York, to whom any precept to summon Jurors for the sittings of any Court at the City of Toronto is addressed, shall summon the Jurors necessary for such Court, and make all proclamations, and give all notices, not only from and in his own bailiwick, but also from and in the bailiwick of the other of such Sheriffs, and for these purposes each of them shall have equal power and authority in either bailiwick. R.S.O. 1897, c. 61, s. 79.

#### DRAFTING PANELS FROM JURY LISTS.

How sheriffs  
to draft panels  
of jurors.

54. Every Sheriff to whom a precept for the return of Jurors is directed, shall, to such precept, return a panel of the names of the Jurors contained in the proper Jury List, whose names shall be drafted from such list in the manner hereinafter mentioned. R.S.O. 1897, c. 61, s. 85.

If no Jurors'  
book for the  
year.

55. Where there is no Jurors' Book for the year, or certified copy thereof, in existence, the Sheriff may return a panel of Jurors drafted from the proper Jury List in the Jurors' Book of the nearest preceding year, for which there is a Jurors' Book, or certified copy thereof, in existence. R.S.O. 1897, c. 61, s. 86.

If not a suffi-  
cient number  
on the lists.

56. Where there are no Jurors, or not a sufficient number upon the Jury List, the Sheriff may return to the precept a panel of Jurors drafted, or the residue of whom have been drafted from the proper Jury List in the Jurors' Book of the nearest preceding year for which there is a Jurors' Book, or certified copy thereof, in existence. R.S.O. 1897, c. 61, s. 87.

What notice  
Sheriff shall  
give,

57. Upon receipt of the precept the Sheriff shall post up in his office, and also on the door of the Court House of the county, or if there be no Court House, then in some other public place, written notice of the day and hour at which he will attend at the office of the Clerk of the Peace to draft such panel of Jurors, and at such time and place he shall proceed to draft the panel by ballot from the Jury List in the presence of the Clerk of the Peace and any two Justices of the Peace of the county, who, upon reasonable notice from the Sheriff, are hereby required to attend, and for such

Amount to be  
paid Justices  
of the Peace  
for each panel.

services



services the said Justices shall each receive the sum of \$1 for each of such panels drafted, which sums shall be paid by the Treasurer of the county, on receipt of the Sheriff's certificate that such service has been performed. R.S.O. 1897, c. 61, s. 88.

58.—(1) If the Sheriff has sufficient time he shall post up such notice, at least eight days before the drafting of the panel, and if there be not sufficient time, he shall post up such notice forthwith upon receipt of the precept. R.S.O. 1897, c. 61, s. 89.

Notice to be eight days, if time admits.

(2) If the drafting or completing of the panel, at the time appointed, is prevented by unavoidable accident the same may be subsequently done or completed upon similar notices being first given. R.S.O. 1897, c. 61, s. 90.

The drafting if not completed may be subsequently.

59.—(1) Before proceeding to draft a panel of Jurors from a Jury List the Sheriff shall prepare a proper title or heading for the panel of Jurors to be returned, to which he shall fix an appropriate number according as such panel by the Jurors' Book appears to be the 1st, 2nd, 3rd or subsequent panel drafted from such Jury List, and the title or heading shall set forth in words at length the number of Jurors to be returned. R.S.O. 1897, c. 61, s. 91.

How sheriff to prepare a panel.

(2) The Sheriff shall then append to such title or heading, a list of numbers from "1" forward to the number required, and shall prepare a set of ballot papers of uniform and convenient size, such set containing the same number of ballot papers as there are numbers on the Jury List, allowing one number to each ballot paper, which number shall be printed or written on the same, and he shall then proceed to draft the panel of Jurors. R.S.O. 1897, c. 61, s. 92.

Ballots for drafting panel.

60. The manner of drafting the panel shall be as follows:—

How panel of jurors to be drafted.

(a) The Sheriff shall place the ballot papers in a box or urn and shall cause it to be shaken so as sufficiently to mix the ballot papers, and he shall then openly draw from the said box or urn indiscriminately one of the ballot papers, and declare openly the number on such ballot paper, whereupon the Clerk of the Peace, or one of the Justices of the Peace, shall immediately declare aloud the name of the person opposite whose name the corresponding number is placed on the Jury List;

(b) If such person is exempt from being drafted or from serving upon such panel, under section 4, or if upon the face of such Jury List it appears that the person whose number has been so drafted

drafted has previously been drafted to serve on a panel drafted from such Jury List in obedience to a precept for the return of a general panel for any Sittings of the High Court, the Court of General Sessions of the Peace, or County Court, and that such person has actually attended and served upon such panel, and a sufficient number of names to complete the panel then in course of being drafted, remains on the Jury List without taking any of those who have been so previously drafted, the Sheriff shall publicly announce the fact of such exemption or previous service, and that the name of the person so drafted is, for that reason, not inserted in the panel;

- (c) If no such cause appears for omitting the name of such person from the panel, the name and addition of the person whose name has been so drafted shall be thereupon written down and shall be marked by the Sheriff on the said Jury List, with a reference to the number which will belong to such panel in the Jurors' Book;
- (d) The Sheriff shall then proceed in like manner to draft and dispose of other numbers from the box or urn, until the necessary number for the panel has been completed;
- (e) The names of the persons so drafted, arranged alphabetically, with their places of residence and additions shall then be transcribed by the Sheriff upon another sheet of paper, with a reference to the number of each name on the Jury List, and each name shall be thereupon marked by him or by his deputy upon the Jury List Book, with a reference to the number which belongs to such name in the panel in the Jurors' Book.
- (f) The panel so alphabetically arranged and numbered, with a short statement of the precept in obedience to which it has been drafted, the date and place of such drafting, and the names of the Sheriff, or his Deputy and of the Clerk of the Peace and Justices of the Peace, present at such drafting, or of at least two of them, shall then be entered in the said Jurors' Book, and attested by the signatures of such Sheriff, or his Deputy, and of the said Clerk of the Peace and the said Justices, or at least two of them. R.S.O. 1897, c. 61, s. 93.

Jury panel to be kept by sheriff under lock and key.

61.—(1) The names of the jury drafted for any panel shall be kept by the Sheriff under lock and key, and, except in so far as may be necessary in order to prepare the lists of

of the panel and serve the jury summons, and except as provided in subsection 2, shall not be disclosed by the Sheriff, his deputy, officer, clerk or other person until ten days before the sittings of the Court for which the list has been drafted.

(2) A party to a cause may obtain from the Sheriff leave to examine the panel upon filing with the Sheriff an affidavit, made by himself or by his solicitor, stating that an examination of the panel is necessary to determine whether a special jury shall be struck in such cause and that the examination is not desired and will not be used for any other purpose and upon also filing with the Sheriff the consent of the Judge of the County Court obtained on such material as he may deem sufficient. R.S.O. 1897, c. 61, s. 94. Leave to examine panel.

62.—(1) The Sheriff shall, upon his return to the precept, annex thereto a panel, containing the names, places of abode and additions of the persons so drafted, and shall transmit one copy thereof to the Clerk of the Peace, and another to the Central Office of the High Court, at Toronto, or to the Deputy Clerk of the Crown, or Local Registrar, or to the Clerk of the County Court, as the case may be. R.S.O. 1897, c. 61, s. 95. The panel to be annexed to the writ or precept, and a copy sent to the Central Office or to the proper Deputy Clerk of the Crown or Local Registrar.

(2) The Jurors' Book, and each of such copies, upon the filing with the officer who has the custody thereof of an affidavit similar to that mentioned in subsection 2 of section 61, shall at all reasonable times be open to inspection by litigants or their solicitors, without fee or reward. R.S.O. 1897, c. 61, s. 96. Copies, Jurors' Books, etc., to be open to inspection.

#### SUMMONING JURORS.

63.—(1) The Sheriff shall summon every person drafted to serve on Grand Juries or on Petit Juries, not being Special Juries, twelve days at least before the day on which the Juror is to attend, by delivering to him, or in case of his absence from his usual place of abode, by leaving with some grown up person there residing a notice in writing (Form 2, Schedule D) under the hand of the Sheriff; but when the Sheriff is directed to draft and summon additional Jurors under the provisions of this Act, such twelve days' service shall not be necessary. R.S.O. 1897, c. 61, s. 97. Jurors to be summoned, twelve days before attendance required.

(2) Notwithstanding anything contained in any statute or rule of court, actions to be tried by a jury, whether in the High Court or County Court, shall be entered for trial not later than six clear days before the first day of the sittings. When actions to be entered for trial.

(3) Where there is no business requiring the attendance of a jury at any sittings of the High Court, or of any County Court, for the trial of actions with a jury, the Deputy Countermanding jury summonses where no business for jury.

Deputy Clerk of the Crown, or the Local Registrar or the Clerk of the County Court, as the case may be, at least five clear days before the day appointed for such sittings, shall give notice thereof in writing (Form 3, Schedule D) to the Sheriff, and that the attendance of jurymen is not required.

For criminal prosecutions or General Sessions.

(4) A similar notice shall be given to the Sheriff by the Clerk of the Peace in the case of a sittings of the High Court for the trial of criminal prosecutions, or in case of the sittings of the Court of General Sessions of the Peace in any county, when it appears that the attendance of jurymen at such sittings is not required.

Notice to be given to juror

(5) Subject to the provisions of subsection 8, the Sheriff, upon receipt of such notice or notices, shall forthwith by registered letter or otherwise, as he may deem expedient, notify (Form 4, Schedule D) each person summoned to serve as a jurymen, that his attendance at such sittings is not required, and in case any person so summoned shall attend after receiving such notice, he shall not be entitled to any fees or mileage for attendance.

Where juror attends owing to non-receipt of notice.

(6) Where after the giving of such notice a jurymen so summoned attends such sittings and the Sheriff is satisfied that the notice was not received prior to such attendance and that the jurymen attended in good faith believing such attendance to be necessary, the Sheriff shall allow such jurymen his mileage and fees.

Fees of sheriff for sending notices.

(7) For sending every notice required by subsection 5, there shall be paid to the Sheriff in the same manner and out of the same funds as the fees for the summoning of jurors the sum of 25 cents, and necessary disbursements paid by him for each jurymen so notified.

Sheriff's notice not to be given unless there are no prisoners in custody.

(8) In the case of a sittings of the High Court for the trial of criminal matters and proceedings, or in the case of a sittings of the Court of General Sessions of the Peace, the Sheriff shall not give the notice mentioned in subsection 5 unless he is satisfied that there is no prisoner in the common gaol awaiting trial at such sittings. 2 Edw. VII., c. 14, s. 3.

Act not to apply to county containing a city.

(9) Subsections 2 to 8 inclusive shall not apply to any county in which is situate a city having a population of 20,000 or over. 2 Edw. VII. c. 14, s. 4; 4 Edw. VII. c. 10, s. 19.

Special Jurors to be summoned, three days before attendance required.

64. The Sheriff shall summon every person drafted to serve on a Special Jury, in the like manner three days at the least before the day on which the Special Juror is to attend. R.S.O. 1897, c. 61, s. 98.

65. Notwithstanding anything in this Act the proper officer shall summon, in the manner heretofore used and accustomed, every person required to serve upon any inquest or inquiry before a Coroner, or before any Commissioners appointed under the Great Seal, or under the seal of the High Court, or to serve as a talesman upon any Jury. R.S.O. 1897, c. 61, s. 100.

Proper officer to summon Jurors whenever required.

66. Every Sheriff is hereby indemnified for empanelling and returning as a Grand or Petit Juror any person named in or taken from the Grand or Petit Jurors' Rolls for the year in which he has been summoned, although such person may not have been qualified or liable to serve as a Juror for such year. R.S.O. 1897, c. 61, s. 101.

Sheriff indemnified for returning unqualified persons, if in the rolls of jurors.

#### EMPANELLING THE GRAND JURY.

67. Where there do not appear as many as thirteen of the Grand Jurors summoned upon a panel returned upon any precept to any Court of criminal jurisdiction, the Court, upon the request of the Attorney-General, or of Counsel for the Crown, or of the County Crown Attorney, shall or may *proprio motu* command the Sheriff to name and appoint so many persons then present or who can be found whether on the panel of petit jurors or not, as will make up a Grand Inquest of thirteen and the Sheriff shall return such persons to serve on such Grand Inquest, and shall add their names to the panel returned upon such precept; and the Court shall proceed with those Grand Jurors who were before empanelled, together with the talesmen so newly added, as if all the said Jurors had been originally returned upon such precept. R.S.O. 1897, c. 61, s. 103; 62 V. (2), c. 11, s. 11; 5 Edw. VII. c. 13, s. 7.

How grand jurors to be empanelled if a sufficient number do not appear.

#### DRAWING JURY AT TRIAL.

68. The name of every person summoned and empanelled as a Petit Juror upon the general precept for any sittings of the High Court, the Court of General Sessions of the Peace, or County Court, with his place of abode and addition, shall be written by the Sheriff distinctly on a card or paper, as nearly as may be of the form and size following, viz.:

Empanelling petit jury at the trial.

DAVID BOOTH,  
of Lot No. 11, in the 7th Con. of Albion,  
MERCHANT.

and the names so written shall, under the direction of the Sheriff, be put together in a box or urn to be provided by him for that purpose, and he shall deliver the same to the Clerk of the Court. R.S.O. 1897, c. 61, s. 104.

How the clerk  
is to proceed to  
draw names.

69.—(1) Where an issue is brought on to be tried, or damages are to be assessed by a jury the Clerk shall, in open court, cause the box or urn to be shaken so as sufficiently to mix the names, and shall then draw out twelve of the cards or papers, one after another, causing the box or urn to be shaken after the drawing of each name, and if any Juror whose name is so drawn does not appear or is challenged and set aside, then such further number until twelve Jurors are drawn, who do appear, and who, after all just causes of challenge allowed, remain as fair and indifferent, and the first twelve Jurors so drawn, appearing and approved as indifferent, their names being noted in the minute book of the Clerk of the Court, shall be sworn, and shall be the Jury to try the issue, or to assess the damages.

Names drawn  
to be kept  
apart, etc.

(2) The cards or papers containing the names of persons so drawn and sworn shall be kept apart until the Jury have given in their verdict, and the same has been recorded, or until the Jury have been by consent of the parties, or by leave of the Court, discharged, and shall then be returned to the box or urn, there to be kept with the other cards or papers remaining therein. R.S.O. 1897, c. 61, s. 105.

If another jury  
is required be-  
fore the last  
drawn have  
brought in  
their verdict.

70. If an issue is brought on to be tried, or damages are to be assessed, at any of the said sittings before the Jury in any other cause have brought in their verdict, or been discharged, the Court may order twelve of the residue of the said cards or papers to be drawn for the trial of the issue so brought on to be tried, or for the assessment of damages, as the case may be. R.S.O. 1897, c. 61, s. 106.

Several causes  
may be tried  
in succession  
by the same  
jury.

71. Notwithstanding the two last preceding sections, where no objection is made on the part of the King, or any other party, the Court may try any issue or assess damages with the Jury previously drawn to try any other issue, or to assess damages, without the cards or papers containing their names being returned to the box or urn and redrawn, or may order that any of the Jurors whom both parties consent to withdraw, or who may be justly challenged or excused by the Court, shall retire and may cause another name or other names to be drawn from the box or urn, and shall try the issue or assess the damages with the residue of the original Jury and the new Jurors who appear and are approved as indifferent. R.S.O. 1897, c. 61, s. 107.

72.—(1) Where a full Jury does not appear at a sittings of the High Court, or at a sittings of a County Court or of the Court of General Sessions of the Peace, or where, after the appearance of a full Jury, by challenge of any of the parties, the Jury is likely to remain untaken for default of Jurors the Court may command the Sheriff to name and appoint so many of such other able men of the county then present, or who can be found, as will make up a full Jury, and the Sheriff shall return such persons to serve on the Jury.

If a full jury do not appear, a *tales* may be granted.

(2) Where a full Jury does not appear the names of the persons so returned shall be added to the panel returned upon the precept. R.S.O. 1897, c. 61, s. 108, *amended*.

Adding names of Talesmen.

#### ENTRY OF SERVICE OF JURORS.

73. Immediately after the sittings of the High Court and of the Court of General Sessions of the Peace, and of the County Court, the Sheriff shall note on the Jury List from which the panel of Grand Jurors (if any) returned to such sittings was drafted, and on the Jury List from which the panel of Petit Jurors was drafted, opposite the names of the Jurors the non-attendance or default of every Juror who has not attended until discharged by the Court. R.S.O. 1897, c. 61, s. 109.

The Sheriff to note on lists names of jurors who do not serve.

#### CHALLENGES.

74 If any person not duly qualified is drawn as a Juror for the trial of any issue in any matter or proceeding, the want of such qualification shall be a good cause of challenge; but the want of a sufficient property qualification shall not be a good cause of challenge, nor a cause for discharging the Juror upon his own application. R.S.O. 1897, c. 61, s. 110.

The want of qualification a good ground of challenge.

Proviso.

75. In any cause, the plaintiff or plaintiffs, on one side, and the defendant or defendants, on the other, may challenge peremptorily any four of the Jurors drawn to serve on the trial, and such right of challenge shall extend to the King, when a party. R.S.O. 1897, c. 61, s. 111.

In civil cases each party may challenge four peremptorily.

76. The two next preceding sections shall not apply to Special Jurors.

Not to apply to Special Jurors.

77. In a matter or proceeding to which a municipal corporation other than a county is a party, every ratepayer, and every officer, or servant of the corporation shall, for that reason, be liable to challenge as a Juror. R.S.O. 1897, c. 61, s. 112.

Ratepayers, officers, etc., of corporation may be challenged as jurors.



## SPECIAL JURIES.

Either party  
may strike a  
special jury.

78.—(1) In any case whatever whether civil or criminal triable by a jury excepting only indictments for treason or felony, His Majesty or any prosecutor, relator or plaintiff and any defendant may have the issues joined tried by a Special Jury upon procuring such Special Jury to be struck and summoned for the day on which the trial of such case is to be had and the Jury so struck shall be the Jury returned for the trial of the issues. R.S.O. 1897, c. 61, s. 114, *amended*.

Notice to  
opposite party.

(2) The party desiring the Special Jury shall give notice in writing thereof to the opposite party, after the close of the pleadings and at least eight days before the first day of the sittings at which the case is to be tried. Rule Sup. Ct. Eng. Order 36, R. 7.

Order for  
Special Jury.

(3) Upon the application of any party, the Court or a Judge may at any time make an order for a Special Jury upon such terms as to costs and otherwise as may be deemed just. Rule Sup. Ct. Eng. Order 36, R.8.

Notice to  
Sheriff.

(4) Where notice has been given to try by Special Jury, either party may, at least six days before the first day of the sittings at which the case is to be tried, give notice to the Sheriff that the case is to be tried by a Special Jury, and if no such notice is given no Special Jury need be struck or summoned and the case may be tried by a common jury, unless otherwise ordered by the Court or a Judge. C.L.P.A. 1852 (Eng.), s. 112.

Appointment  
for striking  
Special Jury.

(5) The Sheriff shall thereupon in writing appoint some convenient day and hour for striking the Special Jury, sufficiently distant to enable the party requiring the Special Jury to give notice to the opposite party, and the party requiring the same shall serve a copy of such appointment upon the opposite party or his solicitor four clear days before the day so appointed, and in default thereof, the Sheriff shall not proceed to strike the Special Jury. R.S.O. 1897, c. 61, ss. 116, 117.

How to proceed if either  
party fails to  
attend.

(6) If a party does not attend, in person or by solicitor, at the striking of the Special Jury, the Sheriff, upon proof of service of the appointment, and after waiting half an hour for the absent party, shall, if requested by the other party, or his solicitor, proceed to strike the Special Jury, and in case of the continued absence of such first mentioned party, the Sheriff shall, on his behalf, strike off the list the twelve names which such party is entitled to strike off the list as hereinafter provided. R.S.O. 1897, c. 61, s. 120.

Qualifications  
of special  
juries.

79. A Special Jury shall, except as hereinafter provided, consist of persons whose names appear on the Roll of Grand Jurors for the High Court, or on the Roll of Grand



Grand Jurors for the Inferior Courts for the year in which the notice to the Sheriff is given. R.S.O. 1897, c. 61, s. 118.

80. A Special Jury shall be struck in the following manner: How a special jury is to be struck.

- (a) The Sheriff shall provide as many ballot papers of uniform and convenient size as there are names on the two Grand Jurors' Rolls from which the Special Jury is to be struck, and the whole of the numbers on such Grand Jurors' Rolls shall be printed or written upon such ballot papers respectively, allowing one number to each ballot paper, and distinguishing each number by the letters H. C. or I. C. according as it belongs to the Roll of Grand Jurors for the High Court, or to the Roll of Grand Jurors for the Inferior Courts; Ballots to be prepared.
- (b) At the office of the Clerk of the Peace, at the time appointed, in the presence of the parties or their solicitors or such of them as attend, the Sheriff shall put all the ballot papers in a box or urn, and after having caused it to be shaken so as to sufficiently mix the ballot papers, he shall openly draw from the box or urn forty of the numbers, one after another, and shall, as each number is drawn, refer to the corresponding number in the Grand Jurors' Roll to which the ballot paper belongs, and read aloud the name to which the number is appended in the Roll; Drawing special jurors.
- (c) If, at the time of reading a name, either party, or his solicitor, objects that the person whose name has been drawn is disqualified or incapacitated from serving on the Jury, and proves the same to the satisfaction of the Sheriff, the name shall be set aside, and the Sheriff shall instead thereof openly draw another ballot paper, and shall in like manner refer to the corresponding number in the Grand Jurors' Roll to which the ballot paper belongs, and read aloud the name to which the number is appended in the Roll, and such name may be in like manner set aside, and other names may be drawn according to the mode of proceeding hereinbefore prescribed for the purpose of supplying names in the places of those set aside until the whole number of forty names not liable to be set aside is completed; Objections to jurors drawn.

.. (d)

If forty names  
cannot be  
obtained.

(d) Where forty names cannot be obtained from the Grand Jurors' Rolls, the Sheriff shall, in like manner, from the Grand Jurors' Rolls in the Jurors' Book of the nearest year for which there is a Jurors' Book or a certified copy thereof in the office of the Clerk of the Peace, select by ballot, in addition to those already taken from the first mentioned Grand Jurors' Rolls, the number of names required to make up the full number of forty names;

Sheriff to make  
lists of names  
chosen on  
ballot.

(e) The Sheriff shall thereupon make a list of the forty names, together with the places of abode and additions of the persons selected, from which list, after a reasonable time allowed in the discretion of the Sheriff for inquiry and consideration respecting the same, each party, or his solicitor, shall strike off twelve names, the names being so struck off by the parties, one by one alternately, the party who has given the notice to the Sheriff commencing;

The sixteen  
jurors to be  
summoned.

(f) The Sheriff shall summon to appear on the day appointed for the trial of the case and shall return upon the notice served upon him for the Special Jury the sixteen persons whose names remain upon the list and shall file such notice and return with the Clerk of the Court before which the trial is to take place;

How special  
juries formed.

(g) From the sixteen persons, or so many of them as appear in obedience to the summons a Special Jury for the trial of the case shall be drawn in the manner prescribed by section 69 for the drawing of Petit Jurors. R.S.O. 1897, c. 61, s. 119.

Party requiring  
Special  
Jury to deposit  
expenses of  
jury with  
Sheriff.

81. Immediately after the striking of the Special Jury, the Sheriff shall certify the sum required to pay for the attendance of the Jurors for three days, and the allowance for mileage and Sheriff's fees; and the party who has given the notice requiring the Special Jury, or if he has made default in attending to strike the Special Jury, then the party who has requested the Sheriff to proceed under subsection 6 of section 78 shall forthwith deposit with the Sheriff the sum so certified as sufficient to pay such expenses as aforesaid, but nothing herein contained shall limit the payment required to be made to the Jurors to the sum so deposited. R.S.O. 1897, c. 61, s. 121.

Same jurymen  
not to be  
returned or sit  
on new trial.

82. In the event of a new trial being ordered after the verdict of a Special Jury, the notice to the Sheriff mentioned in subsection 4 of section 78, shall set forth the names  
of

of the Jurors who sat on the first trial, or if more trials than one have been previously had, the names of all the Jurors who so sat upon any of such trials, and none of the Jurors who sat upon a former trial shall be returned or sit as Jurors upon any subsequent trial of the same case. R.S.O. 1897, c. 61, s. 115.

83. Where a Special Jury has been struck, the talesmen, if any be required, shall be selected from the Jurors empanelled upon the Petit Jury panel to serve at the same Court if a sufficient number can be found, and the King, and every party shall have and may exercise their respective challenges to the talesmen so added. R.S.O. 1897, c. 61, s. 127.

In special jury cases, talesmen to be taken from the general panel.

#### COSTS OF SPECIAL JURIES.

84. The party who gives notice to the Sheriff for a Special Jury, or the party who upon his default has requested the Sheriff to proceed under subsection 6 of section 78, shall pay the fees for striking such Special Jury, the fees of the Jurors and all the expenses occasioned by the trial by the Special Jury, and shall not have any further or other allowance for the same upon taxation of costs than if the case had been tried by a common Jury, unless the trial Judge certifies in open court, immediately after the verdict, or afterwards upon notice at Chambers, that the case was proper to be tried by a Special Jury. R.S.O. 1897, c. 61, s. 129.

The party who gives notice, for the jury to pay fees of striking, etc.

85. If a case in which a Special Jury has been summoned be not tried, the party who required the Special Jury shall not have any further or other allowance for the same, upon taxation of costs, than if the Jury had not been summoned, unless a Judge, upon notice to the opposite party, certifies that the case was proper to be tried by a Special Jury. R.S.O. 1897, c. 61, s. 130.

Costs where special jury summoned but cause not tried.

#### VIEW BY JURORS.

86.—(1) Where in an action, whether the same is to be tried by a Special or by a Common Jury, it appears to the presiding Judge that in order to the better understanding of the evidence the Jurors who are to try the issues ought to have a view of the place or of the real or personal property in question whether the same be within or without the county in which the trial is to take place, he may at any time after the Jurors have been sworn and before they give their verdict order that the Jurors shall have such view.

View by jurors.

(2) The order may be made on such terms as to costs and the adjournment of the trial and otherwise as may be deemed just and shall contain directions to the Sheriff as to

Terms of order.

to the manner in which and the persons by whom the place or the property in question shall be shewn to such Jurors and any other directions which under the circumstances the Judge may think proper. (*New.*) See R.S.O. 1897, c. 61, s. 131.

#### MISCELLANEOUS PROVISIONS.

Omissions to observe the directions of this Act, not to vitiate the verdict.

87. The omission to observe any of the directions in this Act as respects the qualification, selection, balloting and distribution of Jurors, the preparation of the Jurors' Book, the selecting of Jury Lists from the Jurors' Rolls, the drafting of panels from the Jury Lists, or the striking of Special Juries shall not be a ground of impeaching the verdict or judgment in any action. R.S.O. 1897, c. 61, s. 138.

No person to be summoned whose name is not on the roll of jurors.

88.—(1) No person shall be liable to be summoned or empanelled to serve as a Juror, upon any inquest or inquiry to be taken or made by or before any Commissioners appointed under the Great Seal, or the seal of any Court having general jurisdiction throughout Ontario or throughout any county, unless the name of such person appears upon the Jurors' Rolls for the year in which such person is called upon to serve on such inquest or inquiry. R.S.O. 1897, c. 61, s. 139.

Exception; coroners' juries, etc.

(2) This section shall not extend to an inquest to be taken by or before a Coroner, by virtue of his office, or to an inquest or inquiry, to be taken or made by or before a Sheriff, Coroner, or High Bailiff. R.S.O. 1897, c. 61, s. 140.

Jury writs abolished.

89. The several writs of *venire facias juratores* and *distingas juratores* and *habeas corpora juratorum* and the writ *de ventre inspiciendo* shall no longer be necessary or be used. Imp. C.L.P. Act, 1852, sect. 104.

#### FEEES OF JURORS.

Jurors' fees and mileage.

90.—(1) Every Grand Juror actually attending a sittings of the High Court or of the Court of General Sessions of the Peace, and every Petit Juror actually attending a sittings of the High Court or of the Court of General Sessions of the Peace, or a County Court, shall be entitled to receive the sum of two dollars and fifty cents per day, for every day he attends such Court, and the sum of thirteen cents for every mile he necessarily travels from his place of residence to the Court.

How ascertained.

(2) The distance travelled shall be ascertained by the declaration of the Sheriff's bailiff who summoned the Juror or by the declaration of the Juror himself; but every Juror who

who makes a false declaration respecting such distance, shall forfeit his right to receive any payment for travelling to or attending such Court as a Juror.

(3) Where a Grand or Petit Juror who does not reside in the county town actually attends the sittings of the Court as such Juror on Saturday and on the Monday following, he shall be entitled to be paid for the intervening Sunday.

Jurors attending on Saturdays and Mondays to be paid for Sunday.

(4) Where Petit Jurors, who do not reside in the county town, are in attendance at the Court and are informed by the presiding Judge that their attendance will not be required for two days or more or where a Grand Jury adjourns for a period of two days or more, the Jurors' allowance shall be paid for two days of the period during which they were absent.

Absence of jurors not residents of county town by permission of judge.

(5) In lieu of such pay for Sundays or other days in the next two preceding subsections mentioned, the Juror may have mileage for going to and returning from his place of residence if there is a by-law of the County Council authorizing such mileage. R.S.O. 1897, c. 61, s. 142.

Mileage in lieu of pay.

(6) In a county the County Council and in a Provisional Judicial District the Lieutenant-Governor in Council may increase the per diem allowance to Jurors, to any sum not exceeding \$3. 5 Edw. VII. c. 13, s. 8.

County Council and Lieutenant-Governor may increase pay.

91.—(1) The Sheriff shall make a pay list for the Petit Jurors (Schedule C), and shall attend or cause some officer to attend at the opening of the Court, on every day on which the Court sits for the trial of actions by jury, and upon the Petit Jurors being called, shall check and mark the word "present," or "absent," as the case may be, in the proper column of the list opposite the name of every Juror, and on the last day of the sittings of the Court shall certify and return the pay list to the Treasurer of the county, and the Treasurer shall forthwith pay to every Petit Juror the sum to which he appears by the list to be entitled. R.S.O. 1897, c. 61, ss. 144, 145.

Sheriff to make a pay list for petit jurors.

Treasurer to pay the jurors.

(2) The County Court and the Court of General Sessions of the Peace shall for the purposes of this section be deemed to be one Court, and the duty of calling the Jurors at the opening of the Court, shall be performed by the Clerk of whichever Court is first opened. R.S.O. 1897, c. 61, s. 146 (1), *part*.

County Court and General Sessions to be deemed one Court.

92.—(1) The Sheriff shall be entitled to receive from the Treasurer of the county such sum for the pay list, and such sum per diem for checking and for certifying and returning the same to the Treasurer, as in the case of a county the County Council by by-law determines and in the case of a Provisional

Allowance to Sheriffs.

Provisional Judicial District as the Lieutenant-Governor in Council determines.

Sheriff's fee for checking panel and returning list.

(2) Where such sums have not been fixed under subsection (1) the Sheriff shall be entitled to receive from the Treasurer of the county or district \$1 per day for checking the jury panel and \$1 for certifying and returning the list to the Treasurer. R.S.O. 1897, c. 61, s. 146, *part*.

List of Jurors to be called.

93. The Marshal or the Clerk of the Court, or the Clerk of the Peace, as the case may be, shall, at the opening of the Court, and before any other business is proceeded with, call the names of the Petit Jurors, so that the Sheriff or his officer may check off those who are present or absent. R.S.O. 1897, c. 61, s. 147.

Jurors not attending not to be paid.

94. A Petit Juror not appearing when called shall not be entitled to pay for the day on which he makes default. R.S.O. 1897, c. 61, s. 148.

Allowances to special jurors.

95. Special Jurors shall receive the same allowances and mileage as Petit Jurors are entitled to under section 90. 5 Edw. VII. c. 13, s. 9.

#### FUND FOR PAYMENT OF JURORS.

##### *Fees on Entry of Records.*

Sums to be paid with record when entered for trial in jury cases.

96.—(1) With every record entered for trial of issues or assessment of damages by a jury in the High Court, there shall be paid to the Clerk of Assize, the Deputy Clerk of the Crown or the Local Registrar of the High Court, as the case may be, the sum of \$3, and in the County Court to the Clerk of the County Court the sum of \$1.50; and the record shall not be entered unless such sum is first paid.

Record not to be entered unless sum is paid.

(2) Such sum in the case of a county shall be forthwith paid over to the Treasurer of the county and shall form part of the fund for the payment of Petit Jurors, and in the case of a district shall be forthwith paid over to the Treasurer of the district and shall form part of the Consolidated Revenue Fund. R.S.O. 1897, c. 61, s. 150.

##### *Fines and Penalties.*

Certain fines to go towards payment of jurors.

97. All fines imposed upon Jurors for non-attendance shall in the case of a county be paid to the Treasurer of the county, and shall form part of the fund for the payment of Petit Jurors and in the case of a district shall be paid to the Treasurer of the district and shall form part of the Consolidated Revenue Fund. R.S.O. 1897, c. 61, s. 152.

*County*

*County Councils to Supply Deficiency.*

98. If the sums appropriated by this Act are not sufficient to pay the Petit Jurors, the County Council shall raise and appropriate such sum of money as will be sufficient to pay them. R.S.O. 1897, c. 61, s. 153.

County councils to provide funds for paying jurors.

FEES TO OFFICERS UNDER THIS ACT.

1.—*Selectors.*

99. The Local Selectors, for every selection and distribution of Jurors, and the report thereof, shall be entitled to such sum as is authorized by the council of the municipality; and upon receipt of a certificate from the Clerk of the Peace that the report has been returned to him within the time fixed by this Act, such sum shall be paid to them by the Treasurer of the municipality. R.S.O. 1897, c. 61, s. 159.

Fees to the Selectors under section 17.

100.—(1) The County Selectors shall be entitled to the sum of \$4 each, for each day's attendance in the performance of their duties under this Act, but when the number of Grand and Petit Jurors to be selected does not exceed five hundred, no Selector shall be entitled to be paid for a greater number of days than four.

Fees of County Selectors.

(2) When the number to be selected exceeds five hundred, each Selector actually attending shall be entitled to be paid as for one additional day for every two hundred additional names selected, and no more.

Additional fees.

(3) Upon receipt of a certificate from the Clerk of the Peace that the duties required of the County Selectors have been duly performed by them, such sum shall be paid by the Treasurer of the county to every such Selector, and the Clerk of the Peace shall be paid for his attendance at the meeting of the County Selectors the same fees as a County Selector. R.S.O. 1897, c. 61, s. 160.

Payment.

2.—*To Clerks of the Peace.*

101. The Clerk of the Peace shall be entitled to the following fees:

Fees to clerks of the peace.

- |   |        |
|---|--------|
| 1. For receiving, examining and filing the reports of the Local Selectors for each municipality, and causing any deficiency found therein to be supplied .....                | \$0 50 |
| 2. For giving certificates to selectors of Jurors, of duties having been performed; but only one certificate for all the selectors for each municipality shall be given ..... | 0 50   |
| 3. For preparing and superintending the making up of each Jurors' Book (besides actual disbursements for stationer's charges) .....   | 3 00   |
|   | 4.     |

4. For making up Jurors' Books, entering all the names and numbers, and all other matters required to be entered therein, per one hundred names .....	2 00
5. For each copy of the Jurors' Book required by this Act, per one hundred names .....	2 00
6. For each certificate required to be entered in the Jurors' Book .....	1 00
7. For copy of Jury List required to be entered, per one hundred names .....	2 00
8. For each panel of Jurors drafted from the Jury List, per one hundred names on each Jury List .....	2 00
9. For entering each panel in the Jurors' Book, with the numbers corresponding to the Jury List .....	2 00
10. For making up aggregate return in detail of Jurors .....	5 00
11. For copy thereof, and transmitting same to Provincial Secretary when required .....	2 00
12. For each office copy of the same .....	2 00

R.S.O. 1897, c. 61, s. 161.

### 3.—To Sheriffs, etc.

Fees to  
Sheriffs, etc.

102. The Sheriff, in addition to such fees as he may be entitled to from the parties to an action, shall be entitled to the following fees:

1. For each panel of Jurors, Grand or Petit, returned and summoned by him in obedience to any general precept .....	\$4 00
2. For copies of such panel to be transmitted to the proper officers, each .....	1 00
3. For every summons served upon the Jurors on any panel .....	0 25
4. For every mile which the Sheriff or his Deputy or Bailiffs necessarily and actually travelled from the County Town for the purpose of serving such summonses (such mileage to be allowed for going only, and not for returning) .....	0 13
5. Advertising the drafting of Jury panels .....	} 1 00
(Required by section 88) .....	
6. Notices to Clerk of the Peace, and Justices, each .....	} 0 50
(Required by same section) .....	
7. Attending to draft Jury panels .....	4 00
8. Writing names of Jurors on cards .....	2 00

R.S.O. 1897, c. 61, s. 162.

### MODE OF PAYMENT.

If there are  
more than  
one hundred  
names,

103. In the cases provided for by sections 100 and 101, where there are more than one hundred, or more than an even number of hundreds of such names, if the broken number beyond the hundred or hundreds falls short of fifty names, the same shall not be reckoned, and if the broken number amounts to fifty names or upwards, the same shall be reckoned as a full hundred, but in all cases of there being altogether less than a single hundred, the same shall be reckoned as a full hundred. R.S.O. 1897, c. 61, s. 163.



104.—(1) Upon proof by affidavit of the services having been performed and upon the account being audited and an order of the Board of Audit being made for payment, the Treasurer of the county shall pay to such officers the amount of their fees.

How the said fees shall be paid.

(2) In the case of a Sheriff's account there shall be annexed to the affidavit a detailed statement showing the number of miles actually and necessarily travelled in effecting service of the summons on each Juror so that at the end of the journey upon which the services were made the officer summoning the Jury shall be entitled to mileage only for the number of miles actually travelled. R.S.O. 1897, c. 61, s. 164.

Affidavit as to mileage.

#### PENALTIES.

105. If a person, having been duly summoned to attend on a Jury, does not attend in pursuance of the summons, or being there called, does not answer to his name; or if a Juror, or Talesman, after having been called, is present but does not appear, or after his appearance wilfully withdraws himself from the presence of the Court, the Court may impose such fine upon the Juror or Talesman as may be deemed proper. R.S.O. 1897, c. 61, s. 166.

Penalty on jurors for non-attendance.

106.—(1) If a person having been duly summoned and returned to serve as a Juror upon an inquest or inquiry before a Sheriff or Coroner, or before any of the Commissioners mentioned in section 88, does not, after being openly called three times, appear and serve, the Sheriff, Coroner or Commissioners may impose such fine, not exceeding \$20, upon the person so making default as may be deemed proper. R.S.O. 1897, c. 61, s. 168.

Penalty on jurors failing to attend upon inquests and inquiries, etc.

(2) The Sheriff, Coroner or Commissioners shall make out and sign a certificate containing the name, the residence and addition of every person so making default, together with the amount of the fine imposed and the cause of the fine, and transmit the certificate to the Clerk of the Peace for the county in which the defaulter resides, on or before the first day of the sittings of the Court of General Sessions of the Peace next ensuing. R.S.O. 1897, c. 61, s. 169.

Sheriff to certify defaults and transmit copies.

(3) The Clerk of the Peace shall enter the fine so certified on the roll on which fines and forfeitures imposed at the Court of General Sessions are entered, and the same shall be estreated, levied and applied in like manner, and subject to the like powers, provisions and penalties in all respects, as if it had been a fine imposed at a sittings of the Court of General Sessions of the Peace. R.S.O. 1897, c. 61, s. 170.

Fines to be estreated.

Penalty on sheriffs, etc., for default to perform duties assigned to them.

107. If a Sheriff wilfully empanels and returns to serve on a Jury a person whose name has not been duly drawn upon the panel in the manner in this Act prescribed, or if a Clerk of Assize, Clerk of the Peace, or other officer wilfully records the appearance of any person so summoned and returned who has not really appeared, the Court may, upon examination in a summary way, impose such fine upon the Sheriff, Clerk of Assize, Clerk of the Peace, or other officer, as may be deemed proper. R.S.O. 1897, c. 61, s. 171.

On sheriffs, etc., taking money as a bribe.

108. No Sheriff or other officer or person shall, directly or indirectly, take or receive money or other reward or promise of money or reward, to excuse any person from serving or being summoned to serve as a Juror; and no Bailiff or other officer appointed by a Sheriff to summon Jurors shall summon or pretend to summon any person to serve as a Juror other than those whose names are specified in a warrant or mandate signed by such Sheriff and directed to such Bailiff or other officer; and if a Sheriff or other officer wilfully transgresses in any of the cases aforesaid, the High Court, the Court of General Sessions of the Peace or County Court, within whose jurisdiction the offence has been committed, may impose upon the person so offending such fine as may be deemed proper. R.S.O. 1897, c. 61, s. 172.

On sheriffs, etc., making any unauthorized alteration in any Jurors' book, or neglecting to return the same, etc.

109.—(a) If a Sheriff or Deputy Sheriff makes, or causes to be made, any alteration in any of the rolls, lists or panels in any Jurors' Book, or in the certified copies thereof in his official custody, except in compliance with the directions of this Act, or neglects or refuses to prepare the Jurors' Book, the ballot papers necessary for drafting the panels, striking Special Juries and drawing Juries at the trial, or neglects or omits to return the Jurors' Book and the ballot papers for drafting the Jury Lists to the Court to which he is required to return the same, or neglects or omits to perform any other duty required of him by this Act, or wilfully does anything inconsistent with the provisions of this Act; or

On registrars or deputy clerks of crown and pleas altering lists, etc.

(b) If a Registrar or Local Registrar of the High Court or a Deputy Clerk of the Crown makes, or causes to be made, any alteration in the rolls, lists or panels in any Jurors' Book, or in any copy thereof deposited in his office, or wilfully certifies as true any copy of a Jurors' Book, or any roll, list or panel therein, which is not a true copy thereof; or

On municipal officer not producing Assessment Roll as required.

(c) If a Clerk of a local municipality, or any Assessment Commissioner, Assessor or other officer or person who, at the time of the annual meeting of the Local Selectors has the actual charge or custody of the assessment roll of such municipality

municipality for such year, neglects or omits to perform the duties required of him by section 17; or

(d) If a Local Selector wilfully selects, ballots and reports as qualified and liable to serve as a Grand or Petit Juror any person who, according to the provisions of this Act, ought not to be so selected, balloted or reported, or takes money or other reward for selecting, balloting or reporting, or omitting to select, ballot or report any person, or wilfully inserts in such report a wrong description of the name, place of abode, or addition of any person so selected, balloted and reported, or neglects or omits to complete his selection, ballot and report, and to deposit the same in the proper office on or before the 25th day of October, of the year for which he acts as Local Selector; or

(e) If a Clerk of the Peace, neglects or omits to perform any duty required of him in the manner herein prescribed, or wilfully does anything inconsistent with the provisions of this Act;

The person so offending shall for each offence, forfeit the sum of \$200, one moiety whereof shall be paid over to the Treasurer of the county and shall form part of the fund for the payment of Petit Jurors, and the other moiety thereof, with full costs, to any person who sues for the same, in any Court of competent jurisdiction; and every such action shall be tried by the Judge without the intervention of a Jury, and when the same has been commenced in the County Court, the Judge of the County Court shall, upon the application of either party thereto by his order direct that the same shall be tried at a sittings of the High Court, and the record may thereafter be entered and the action tried at such sittings. R.S.O. 1897, c. 61, s. 173.

110. All penalties under this Act, for which no other remedy is given, may be recovered on summary conviction under *The Ontario Summary Convictions Act*. R.S.O. 1897, c. 61, s. 175.

111.—(1) It shall be a contempt of Court for any person interested in an action in any Court, or his solicitor, counsel, agent or emissary before or during the sittings of Court at which the action is, or is to be, entered for trial or may be tried or at any time after a Juror has been summoned, knowingly, directly or indirectly to speak to or consult with a Juror upon the Jury panel for such Court respecting such action, or any matter or thing relating thereto.

(2) Where a solicitor or barrister or student at law or articled clerk is guilty of such offence he may in addition to any other penalty be struck from the roll of solicitors or be disbarred or suspended from the practice of his profession for a limited time or his name may be erased from the list

list of the Law Society or removed therefrom for a limited time by the High Court upon motion at the instance and in the name of the Attorney-General.

Exception where Juror is a party or witness.

(3) This section shall not apply where a Juror is also a party to or a known witness or interested in the action or is otherwise ineligible as a Juror in the action, nor to anything which may properly take place in the course of the trial or conduct of the action. R.S.O. 1897, c. 61, s. 177.

#### GENERAL PROVISIONS.

Posting up copies of sec. 180 of Criminal Code.

112. It shall be the duty of the Sheriff at the sittings of the High Court for trials by Jury and of the Court of General Sessions of the Peace to post up in the Court room and Jury rooms and in the general entrance hall of the Court House printed copies in conspicuous type of section 180 of *The Criminal Code*. R.S.O. 1897, c. 61, s. 180.

R.S.C. c. 146.

Former powers of Court and Judges in trials by jury not abridged, unless by express provisions.

113. Nothing in this Act shall alter, abridge or affect any power or authority, which any Court or Judge has, or any practice or form, in regard to trials by Jury, Juries or Jurors, except in those cases only where such power or authority, practice or form, is repealed or altered, or is inconsistent with any of the provisions hereof. R.S.O. 1897, c. 61, s. 84.

Repeal.

114. Chapter 61 of the Revised Statutes of Ontario, 1897, (except section 165) and all amendments to the said Act and sections 24, 25, 26, 27 and 88 of Chapter 109 of the said Revised Statutes and all amendments to the said sections are repealed.

SCHEDULES OF FORMS.

SCHEDULE A.

(Section 23.)

REPORT OF LOCAL SELECTORS FROM ASSESSMENT ROLL.

Report of the selection and distribution of jurors for the Municipality of \_\_\_\_\_ in the County of \_\_\_\_\_ for the year 19 \_\_\_\_\_, made by \_\_\_\_\_ Mayor, (or Reeve), and \_\_\_\_\_ Clerk, and by \_\_\_\_\_ and \_\_\_\_\_, Assessors (or by \_\_\_\_\_, Assessment Commissioner, and \_\_\_\_\_ and \_\_\_\_\_, Assessors, as the case may be), of the said municipality, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, pursuant to the directions of *The Jurors' Act*. (See note 1.)

FIRST DIVISION.

*For the Roll of Grand Jurors to serve in His Majesty's High Court of Justice.*

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or unincorporated Village or Hamlet, where known to the Selectors.	OCCUPATIONS.
John Anderson.....	16	2	Esquire.
Peter Cameron.....	4	6	Yeoman.
William O'Leary.....	17	Oatlands.	Gentleman.
Alfred Piper.....		1	Esquire.
etc.			

SECOND DIVISION.

*For the Roll of Grand Jurors to serve in His Majesty's Inferior Courts of Criminal Jurisdiction.*

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or unincorporated Village or Hamlet, where known to the Selectors.	OCCUPATIONS.
William Adams.....	9	4	Gentleman.
Richard House.....	7	5	Yeoman.
Allan Thomas.....	24	5	Esquire.
Jacob Wyse.....	2	1	Tailor.
etc.			

THIRD

## THIRD DIVISION.

*For the Roll of Petit Jurors to serve in His Majesty's High Court of Justice.*

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or unincorporated Village or Hamlet, where known to the Selectors.	OCCUPATIONS.
David Boothe .....	11	7	Merchant.
Henry Grace .....	..	7	Yeoman.
Nathan Lowe .....	6	1	Shoemaker.
George Sullivan .....	3	4	Esquire.
etc.			

## FOURTH DIVISION.

*For the Roll of Petit Jurors to serve in His Majesty's Inferior Courts of Criminal and Civil Jurisdiction.*

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or unincorporated Village or Hamlet, where known to the Selectors.	OCCUPATIONS.
William Carpenter .....	7	2	Esquire.
George Gule .....	7	8	Tailor.
Samuel Jones .....	15	3	Yeoman.
Thomas Hoole Rogers .....	11	1	Gentleman.
etc.			

We, the above-named local Selectors for the Municipality of \_\_\_\_\_, solemnly declare, each for himself, that we have made the selection and distribution of Jurors in this Report from the Assessment Roll of the said municipality for the present year, to the best of our judgment and information, pursuant to the directions of *The Jurors' Act*, and that we have so made the same without fear, favour or affection of, to or for any person or persons whomsoever, gain, reward, or hope thereof, other than the fees to which we are entitled under the provisions of the said Act.

Witness our hands and seals, the day and year last above written.

A. B. [L.S.] Mayor or Reeve.

C. D. [L.S.] Clerk.

E. F. [L.S.] Assessment Commissioner.

G. H. [L.S.] Assessor.

I. J. [L.S.] Assessor.

R.S.O. 1897, c. 61, Sched. A.  
SCHEDULE

## SCHEDULE B.

(Section 25.)

## JURORS' BOOK.

The JURORS' BOOK for the County of , for the year 19 .

(See note 1.)

## 1.—ROLL OF GRAND JURORS

To serve in His Majesty's High Court of Justice.

(See note 2.)

No. on Roll.	NAMES.	No. of Lot or House.	Concession or Street, or unincorporated Village or Hamlet.	OCCUPATIONS	No. on List.	REMARKS.
	1 KING, (Township.)					
1	Anderson, John..	16		Esquire.		Exempted, having served on G.J. List H.C., 19
2	Aylot, Graham...	9	4	Gentleman.		
3	Bosworth, David..	11	7	Merchant.		
4	Cameron, Peter..	4	6	Yeoman.		
	(Etc., to, say)					
20	Young, David....	7	8	Tailor.	3	
	2 MARKHAM, (Township.)					
21	Allan, Simon ....	2f	7	Yeoman.		
22	Bolland, George..	5	12	Gentleman.	2	
	(Etc., to, say)					
31	Wilkinson, James	13	4	Esquire.		
32	Yates, Edward...	1	5	Yeoman.	144	
	3 NEWMARKET, (Town.)					
	4 TORONTO, (City.)					
	26 YORK, (Township.)					
503	Arthur Thomas..	3	2 from Bay.	Yeoman.	1	
504	Bull, Peter.....	14	1 E. Y'geSt.	Yeoman.		

These are to certify that I have carefully compared the above Grand Jurors' Roll with the Reports made by the local Selectors for the municipalities in the County of , for the year 19 , as such Reports remained with me as Clerk of the Peace on the 25th day of October in that year, and that such Grand Jurors' Roll

Roll contains a true and correct transcript of the names, descriptions and additions of all persons so selected and reported as competent, qualified and liable to serve as Grand Jurors for such county in His Majesty's High Court of Justice.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19  
E. F., Clerk of the Peace.

## 2.—THE GRAND JURY LIST.

For the High Court, (see note 2), as selected for the County of \_\_\_\_\_ by the County Selectors, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, pursuant to the directions of *The Jurors' Act*.

No. on list.	NAMES.	No. of Lot or House, as in Jurors' Roll.	Concession or Street, or unincorporated Village or Hamlet, as in Jurors' Roll.	Municipality.	Occupations.	No. on Roll.	No. of Panel.	Remarks to be filled in by Sheriff, see sec. 109.
1	Arthur, Thomas.	3	2	From York, Bay,	Yeoman.	503	1	
2	Bolland, George.	5	12	Markham,	Gentleman.	22	1	
3	Yates, Edward. ( <i>Etc., to say</i> )	7	8	King,	Tailor.	20		
144	Young, David.	1	5	Markham,	Yeoman.	32	1	

These are to certify that on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, the foregoing Grand Jury List for the County of \_\_\_\_\_, for the High Court for the year 19 \_\_\_\_\_, was duly selected from the Roll of Grand Jurors to serve in His Majesty's High Court of Justice for the same year, pursuant to the directions of *The Jurors' Act*.

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.  
C. D., Chairman.  
E. F., Clerk of the Peace.

## 3.—GRAND JURY PANELS FOR THE HIGH COURT OF JUSTICE. (See note 2.)

### No. 1.

PANEL of Grand Jurors returned upon a Precept from the Honourable G. H., the Honourable I. J., [etc.] His Majesty's Justices in that behalf, tested the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, for the return of thirteen of such Jurors for the sittings of the High Court of Justice to be held for the County of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, as drafted on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, at the office of the Clerk of the Peace in \_\_\_\_\_ by A.B., Esquire, Sheriff, in the presence of K. L. and M. N., Esquires. Justices of the Peace for the said County, pursuant to the directions of *The Jurors' Act*.

No.



No. on Panel.	NAMES.	No. of Lot or House.	Concession or Street, or unincorporated Village or Hamlet.	Municipality.	Occupations	No. on Lists.	Remarks.
1	Arthur, Thomas.	3	2 From Bay,	York,	Yeoman.	1	
2	Bolland, George.	5	12	Mark-	Gentleman.	2	
	( <i>Etc., to say</i> )			ham.			
24	Yates, Edward.	1	5	Mark-	Yeoman.	144	
				ham.			

Witness our hands, the day and year last above written.

A. B., Sheriff.

K. L., J. P.

M. N., J. P.

No. 2. (*See note 4*), *etc.*

#### 4.—ROLL OF GRAND JURORS.

To serve in His Majesty's Inferior Courts (*see note 2*) of Criminal Jurisdiction. (*See note 3.*)

(*Continue as in Form 1, substituting in the certificate for the words "High Court of Justice" the words "Inferior Courts of Criminal Jurisdiction"*).

Witness my hand this

day of 19 ,  
E. F., Clerk of the Peace.

#### 5.—THE GRAND JURY LIST.

FOR the Inferior Courts (*see note 2*), as selected by the County Selectors, for the County of . on the day of 19 , pursuant to the directions of *The Jurors' Act*.

(*Continue as in Form 2, substituting in the certificate for the words "High Court of Justice" the words "Inferior Courts of Criminal Jurisdiction."*)

Witness our hands, this

day of , 19

C. D., Chairman.

E. F., Clerk of the Peace.

#### 6.—GRAND JURY PANELS FOR THE INFERIOR COURTS.

(*See note 2.*)

##### No. 1.

PANEL of Grand Jurors returned upon a Precept from the Presiding Judge of the Court of General Sessions of the Peace for the County or District of tested the day of 19 , for the return of thirteen of such Jurors for the sittings of the Court of General Sessions of the Peace to be held, *etc.*

*Continue as in Form 3.*

## 7.—ROLL OF PETIT JURORS.

To serve in His Majesty's High Court. (*See notes 2 and 3.*)

No. on Roll.	NAMES.	No. of Lot or House.	Concession or Street, or unincorporated Village or Hamlet.	Occupations.	No. on List.	Remarks to be filled in by Sheriff, see sec. 73.
1 KING. (Township)						
1	Adams, George...	16	2	Esquire.		
2	Aikins, William ..	21	7	Yeoman.	2	
3	Alley, Simon.....	25	3	Yeoman.		
4	Ashford, Thomas.	19	5	Yeoman.	3	
5	Barclay, John....	5	5	Gentleman.	1	
6	Cameron, William	11	7	Merchant.	5	
7	Daniels, George ..	9	2	Shoemaker.	4	
8	Parley, Peter.....	4	6	Yeoman.		
9	Small, William ...	22	11	Yeoman.	6	
	( <i>etc., to say</i> )					
10	Worth, David....	7	8	Tailor.	7	
1060	Yarrold, George..	14		Baker.	288	
2 MARKHAM. (Township). etc.						

These are to certify that I have carefully compared the above Petit Jurors' Roll with the Reports made by the local Selectors for the municipalities in the County of \_\_\_\_\_, for the year 19\_\_\_\_, as such Reports remained with me as Clerk of the Peace on the 25th day of October of that year, and that such Petit Jurors' Roll contains a true and correct transcript of the names, descriptions and additions of all persons so selected and reported as competent, qualified and liable to serve as Petit Jurors for such county in His Majesty's High Court of Justice.

Witness my hand, this \_\_\_\_\_ day \_\_\_\_\_, 19\_\_\_\_.

E. F., Clerk of the Peace.

8.—THE PETIT JURY LIST.

For the High Court (*see note 2*), as selected for the county of \_\_\_\_\_  
on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, pur-  
suant to the directions of *The Jurors' Act*.

No. on List.	NAMES.	No. of Lot or House.	Concession or Street, or unincorporated Village or Hamlet.	Residence.	Occupations.	No. on Roll.	No. of Panel.	Remarks to be filled in by Sheriff, see sec. 73.
1	Adams, George.	5	5	King.	Gentlem'n	5		
2	Alley, Simon...	21	7	King.	Yeoman.	2	1	
3	Ashford, Thomas	2	19	King.	Yeoman.	4		
4	Barclay, John..	19	8	King.	Shoemak'r	7		
5	Daniel, George..	9	5	King.	Merchant.	6		
6	Worth, David..	11	16	King.	Yeoman.	9		
	(etc. to say)							
188	Yarrold, George	14	9	King.	Baker.	1060	1	

These are to certify that on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, the foregoing Petit Jury List for the County of \_\_\_\_\_  
for the High Court of Justice for the year 19\_\_\_\_, was duly selected  
from the Roll of Petit Jurors to serve in His Majesty's High Court  
of Justice for the same year, pursuant to the directions of *The  
Jurors' Act*.

Witness our hands, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

C. D., Chairman.  
E. F., Clerk of the Peace.

## 9.—PETIT JURY PANELS.

FOR THE HIGH COURT. (*See note 2.*)

## No. 1.

PANEL of Petit Jurors returned upon the Precept from the Honourable G.H., the Honourable J.J., etc., Justices of His Majesty's High Court, tested the            day of           , 19   , for the return of such Jurors, for the Sittings of the High Court of Justice (*or as the precept may require*) to be held for the County of           , on           , the            day of           , 19   , as drafted on            the            day of           , 19   , at the office of the Clerk of the Peace in            by A.B., Esquire, Sheriff, in the presence of K.L. and M.N, Esquires, Justices of the Peace for the said County, pursuant to the directions of *The Jurors' Act*.

No. on Panel.	NAMES.	No. of Lot or House.	Concession or Street, or unincorporated Village or Hamlet.	Municipality.	Occupations.	No. on List.	Remarks.
1	Alley, Simon.... ( <i>etc. to say</i> )	21	7	King.	Yeoman.	2	
48	Yarrold, George.	14	9	King.	Baker.	288	

Witness our hands, the day and year last above written.

A. B., Sheriff.  
K. L., J. P.  
M. N., J. P.

No. 2. (*See note 4.*)

## 10—SPECIAL JURY PANEL

No. 1. (*See note 2.*)

PANEL of Special Jurors returned upon a Notice to the Sheriff in an action in the High Court of Justice between N.O., Plaintiff, and P.Q., Defendant, as struck at the office of the Clerk of the Peace, in Toronto, on the day of 19 , by A.B., Esquire, Sheriff, in the presence of R.S., Solicitor for the Plaintiff, and T.A., Agent for the Solicitor of the Defendant (or in the presence of R.S., Solicitor for the Plaintiff, the Defendant's Solicitor, though served with the appointment, not appearing), pursuant to the directions of *The Jurors' Act*.

No. of Panel.	NAMES.	No. of Lot or House.	Concession or Street, or unincorporated Village or Hamlet.	Municipality.	Occupations.	No. on Grand Jurors' Rolls.	Remarks.
1	Abbott, William.	11	9	King.	Gentleman.	I.C. 31	From G.J. Roll for H. C. for year
2	Wilkins, James. ( <i>Etc., to</i> )	13	4	Markham.	Esquire.		
16	Young, David...	7	8	King.	Tailor.	H.C. 20	19 No. 10, the G. J. Roll for this year being exhausted.

Witness my hand the day and year last above written.

A. B., Sheriff.

No. 2. (*See note 4.*)

R.S.O. 1897, c. 61, Sched. B.

NOTE. The corresponding Forms for the Inferior Courts of Civil and Criminal Jurisdiction shall be with appropriate changes Forms 7 to 10.

## NOTES TO FORMS IN SCHEDULES A AND B.

(1) *This Title to be placed at the head of each page of the Book.*

(2) *So much of this Sub-Title as ends with this word, to be placed at the head of each page of the Book appropriated to this class of entries.*

(3) *This Roll to be commenced on a new page after leaving a sufficient number of leaves for the Jury List to be selected from the preceding Roll and the probable number of Panels that may be drafted from such List in the course of the year.*

(4) *The subsequent Panels following immediately may be commenced on the same page on which the preceding one is closed.*  
R.S.O. 1897, c. 61, p. 808.

## SCHEDULE

## SCHEDULE C. (Section 91.)

PAY LIST for Petit Jurors who have attended the Sitings of the  
*case may be*), held for the day of 19 , and ended on the day of 19 , *as the*

NAMES OF JURORS.	Number of miles travelled in coming to Court.	Check of Attendance.						Amount to be paid to Juror.		Juror's signature acknowledging receipt of money.
		1st day.	2nd day.	3rd day.	4th day.	5th day.	6th day.	7th day.	8th day.	
John, Just.....	21	present	present	present	present	present	present	present	present	
Charles Careless.....	.....	absent	absent	absent	absent	absent	absent	absent	absent	

I, \_\_\_\_\_, Sheriff of the \_\_\_\_\_, do hereby certify to the Treasurer of the said \_\_\_\_\_, that the above is to the best of my knowledge, a correct return of the number of miles travelled by each Juror in coming to the said Court; a true check of the number of days every such Juror attended the Court, and the just sum to which every Juror on the above list is entitled.

A. B., Sheriff.

R. S. O. 1897, c. 61, Sched. C.

## SCHEDULE D.

## FORM 1.

(Section 45).

Edward the Seventh, by the Grace of God, King, &amp;c.

Ontario  
County (or District) of } To the Sheriff of the of  
To Wit:

You are commanded that you cause to come before the Judge or other person holding the sittings of the High (or County or District) Court (or the Court of General Sessions of the Peace) at in your Bailiwick, on the day of 19, all panels concerning such sittings (and when the sittings is for the trial of criminal as well as civil cases) and also cause to come thirteen good and lawful men of your Bailiwick duly qualified to serve as Grand Jurors at the said sittings;) and also summon a competent number, being not less than good and lawful men duly qualified to serve as Petit Jurors for the trial of (Criminal and) Civil issues; and that you and your deputy Sheriff, Bailiffs, and other officers then and there attend in your proper persons to do those things which to your and their offices appertain. And that you have then and there the names of all Jurors and Constables whom you shall cause to come before us. And have then and there this Precept.

Dated at this day of 19

## FORM 2.

(Section 63 (1).)

To

Take notice that you are required to attend the sittings of the High (or County or District) Court (or the Court of General Sessions of the Peace) to be held at in the County (or District) of on the day of 19, as a Grand (or Special, or Petit) Juror, and in default of your so attending you will be liable to the penalties provided by *The Jurors Act*.

Dated at the day of 19  
Sheriff of the County (or District)  
of

## FORM 3.

(Section 63 (3).)

To the Sheriff of the County or District of

Take notice that there is no (civil or criminal, as the case may be) business requiring the attendance of a jury at the ensuing sittings of the court (or the court of ) to be holden on the day of 19, and that the attendance of jurymen at such sittings is not required.

Dated at this day of 19

Deputy Clerk of the Crown (or Local Registrar of the High Court, Clerk of the County Court or Clerk of the Peace, as the case may be) for the County or District of

FORM

## FORM 4.

(Section 63 (5).)

To

Take notice that there being no business requiring the attendance of jurymen at the sittings of the court (or the court of ), to be holden on the day of 19, your attendance as a jurymen at such sittings is not required and the summons served upon you for your attendance is cancelled.

Further take notice that in case you attend at such sittings after the receipt by you of this notice you will not be entitled to any fees or mileage for such attendance.

This notice is given pursuant to *The Jurors' Act*.

Dated at , this day of , 19

Sheriff of the County (or District) of

2 Edw. VII. c. 14. Sched. C.



## CHAPTER 35.

## An Act respecting Arbitration and References.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.	Fees to arbitrators, ss. 19-21.
INTERPRETATION, ss. 2, 18.	Witness fees, s. 22.
APPLICATION OF ACT—	Costs on postponement, s. 23.
To the Crown s. 3	Taxation of costs and revision, ss. 24, 25.
To references under statutory powers s. 4.	Penalty for arbitrators exacting illegal fees, s. 26.
REFERENCES BY SUBMISSION—	Arbitrator may maintain action for fees, s. 27.
Submission irrevocable except by leave, s. 5.	GENERAL PROVISIONS—
What submission deemed to include, s. 6.	Habeas corpus, <i>ad testificandum</i> , s. 28.
Official referee to act if requested, s. 7.	Case stated for opinion of Court, s. 29.
Staying legal proceedings after submission, s. 8.	Discretion of Court as to costs, s. 30.
When Court may appoint arbitrator or umpire, s. 9.	When copies of documents may be filed in lieu of originals, s. 31.
Power of arbitrators, s. 10.	Production of Exhibits on appeals, etc., s. 32.
Enlarging time for award, s. 11.	Time for moving to set aside award, s. 33.
Court may remit award, s. 12.	Rules may be made for carrying out Act, s. 34.
When Court may remove arbitrator or umpire, s. 13.	Instruments referring to repealed enactments, s. 35.
Enforcing award, s. 14.	Court may appoint valuator or appraiser, s. 36.
Attendance and examination of witnesses, s. 15.	Repeal, s. 37.
Commission to examine witnesses, s. 16.	
Appeal against award, s. 17.	

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Arbitration Act.*" Short title.  
R.S.O. 1897, c. 62, s. 1.

- Interpretation.    **2.** In this Act,
- "Court."            (a) "Court" shall mean the High Court;
- "Judge."            (b) "Judge" shall mean a Judge of the High Court;
- "Rules of Court."    (c) "Rules of court" shall mean the rules of the Supreme Court made under *The Judicature Act*;
- "Submission."        (d) "Submission" shall mean a written agreement to submit present or future differences to arbitration, whether or not an arbitrator is named therein. 6 Edw. VII. c. 19, s. 13.

## APPLICATION OF ACT.

- Act to apply to the Crown.    **3.** This Act shall apply to an arbitration to which His Majesty is a party. R.S.O. 1897, c. 62, s. 46, *part*.
- Application of Act to references under statutory powers.    **4.** This Act shall apply to every arbitration under any Act passed before or after the commencement of this Act as if the arbitration were pursuant to a submission, except in so far as this Act is inconsistent with the Act regulating the arbitration or with any rules or procedure authorized or recognized by that Act. R.S.O. 1897, c. 62, s. 47.

## REFERENCES BY SUBMISSION.

- Submission irrevocable except by leave.    **5.** A submission, unless a contrary intention is expressed therein, shall be irrevocable, except by leave of the Court, and shall have the same effect as if it had been made an order of Court. R.S.O. 1897, c. 62, s. 3.
- Submission to include provisions in schedule A.    **6.** A submission, unless a contrary intention is expressed therein, shall be deemed to include the provisions set forth in Schedule A, so far as they are applicable to the reference. R.S.O. 1897, c. 62, s. 4.
- Official referee to act when applied to.    **7.** Where a submission provides that the reference shall be to an official referee, any official referee to whom application is made shall hear and determine the matters agreed to be referred. R.S.O. 1897, c. 62, s. 5.
- Staying legal proceedings taken after submission.    **8.** If any party to a submission, or any person claiming through or under him, commences any legal proceeding in any Court against any other party to the submission, or any person claiming through or under him, in respect of any matter agreed to be referred, any party to such legal proceeding may at any time after appearance, and before delivering any pleading or taking any other step in the proceeding, apply to that Court to stay the proceeding, and that Court, or a Judge thereof, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission, and that the applicant was, at the time when the proceeding was commenced and still remains, ready and willing

willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceeding. R.S.O. 1897, c. 62, s. 6.

#### APPOINTMENT OF ARBITRATOR OR UMPIRE BY COURT.

##### 9.—(1) In any of the following cases,

Power for the court in certain cases to appoint an arbitrator, umpire or third arbitrator.

- (a) Where a submission provides that the reference shall be to a single arbitrator and the persons whose concurrence is necessary do not, after differences have arisen, concur in the appointment of an arbitrator; or
- (b) Where an arbitrator, an umpire or a third arbitrator is to be appointed by any person, and such person does not make the appointment; or
- (c) Unless the submission otherwise provides, where an arbitrator, an umpire or a third arbitrator refuses to act or is incapable of acting or dies, and the vacancy is not supplied by the person having the right to fill the vacancy,

any party may serve the other party or the arbitrators, or the person who has the right to make the appointment, as the case may be, with a written notice to concur in the appointment of a single arbitrator or to appoint an arbitrator, umpire or third arbitrator. *New.*

(2) If the appointment is not made within seven clear days after the service of the notice, the Court or a Judge may, on application by the party who gave the notice, appoint an arbitrator, umpire or third arbitrator, who shall have the like powers to act in the reference and make an award as if he had been appointed by consent of all parties. R.S.O. 1897, c. 62, s. 7.

#### POWERS OF ARBITRATORS.

10. An arbitrator or umpire acting under a submission shall, unless the submission expresses a contrary intention, have power:—

Power of arbitrators.

- (a) To administer oaths to the parties and witnesses;
- (b) To state an award as to the whole or part thereof in the form of a special case for the opinion of the Court; and
- (c) To correct in an award any clerical mistake or error arising from any accidental slip or omission. R.S.O. 1897, c. 62, s. 9.

Enlarging  
time for mak-  
ing award.

11. The time for making an award may from time to time be enlarged by the Court or a Judge whether or not the time for making the award has expired. R.S.O. 1897, c. 62, s. 10.

Power to  
remit award.

12.—(1) The Court may from time to time remit the matters referred, or any of them, to the reconsideration of the arbitrators or umpire.

(2) The arbitrators or umpire shall, unless the order otherwise directs, make the award within three months after the date of the order. R.S.O. 1897, c. 62, s. 11.

Power to  
remove  
arbitrator.

13.—(1) Where an arbitrator or umpire has misconducted himself the Court may remove him.

Or set aside  
award.

(2) Where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the Court may set the award aside. R.S.O. 1897, c. 62, s. 12.

Enforcing  
award.

14. An award may, by leave of the Court or a Judge, be enforced in the same manner as a judgment or order to the same effect. R.S.O. 1897, c. 62, s. 13.

#### WITNESSES AND EVIDENCE.

Subpoenaing  
witnesses.

15. Any party to a submission may sue out of the Court a writ of subpoena *ad testificandum*, or a writ of subpoena *duces tecum*, but no person shall be compelled under any such writ to produce any document which he would not be compellable to produce on the trial of an action. R.S.O. 1897, c. 62, s. 15.

Commission  
to examine  
witnesses.

16.—(1) Where a party to a submission desires to procure for use upon the reference the evidence of any person to be taken *de bene esse* or to be taken out of Ontario, an order may be made for the examination of such person or for the issue of a commission in the like circumstances and with the like effect as a similar order may be made in an action.

Judicature Act  
and Rules of  
Court to apply.

(2) The provisions of *The Judicature Act* and Rules of Court shall apply to such order or commission and to the proceedings thereon and the evidence taken thereunder. *New.* See R.S.O. c. 62, s. 17.

#### APPEAL FROM AWARD.

Where sub-  
mission pro-  
vides for  
appeal.

17.—(1) Where it is agreed by the terms of the submission that there may be an appeal from the award, the reference shall be conducted and an appeal shall lie to the High Court, to a Divisional Court and to the Court of Appeal in  
the

the same manner and subject to the same restrictions as in the case of a reference under an order of the Court. R.S.O. 1897, c. 62, s. 14.

(2) The evidence of the witnesses examined upon such reference shall be taken down in writing and shall, at the request of either party, be transmitted by the arbitrator or umpire, as the case may be, together with the exhibits, to the Central office at Osgoode Hall. R.S.O. 1897, c. 62, s. 16.

Evidence,  
how taken on  
reference.

(3) Where the arbitrators proceed wholly or partly on a view or any knowledge or skill possessed by themselves or any of them they shall also put in writing a statement thereof sufficiently full to enable a judgment to be formed of the weight which should be attached thereto. *New.*

Statement of  
proceeding on  
a view or  
special know-  
ledge of arbi-  
trators.

#### COSTS.

18. In sections 19 to 27,

Interpretation.

“Arbitrator” and “arbitrators” shall include an umpire and a referee in the nature of an arbitrator; and

“Arbitrator.”

“Award” shall include umpirage and a certificate in the nature of an award. R.S.O. 1897, c. 62, s. 18.

“Award.”

19. An arbitrator, who is not by profession a barrister, solicitor, engineer, architect, or Dominion or Ontario land surveyor, shall not be entitled to demand or take for his attendance and services as an arbitrator any greater fees than those mentioned in Schedule B, except as provided in section 21. R.S.O. 1897, c. 62, s. 19.

Fees to arbi-  
trators not  
being barris-  
ters, archi-  
tects, etc.

20. An arbitrator, who is by profession a barrister, solicitor, engineer, architect, or Dominion or Ontario land surveyor, shall not be entitled to demand or take for his attendance and services as an arbitrator any greater fees than those mentioned in Schedule C, except as provided in section 21. R.S.O. 1897, c. 62, s. 20.

Fees to arbi-  
trators being  
barristers,  
architects, etc.

21. The parties to a submission may agree, by writing signed by them or by making such agreement a part of the submission, to pay to the arbitrator or to the arbitrators, if more than one, such fees for each day's attendance, or such gross sum for taking upon themselves the burden of the reference and making the award, as the parties see fit, and in every such case the fees or sum so agreed upon shall be substituted for those mentioned in Schedules B and C, and shall be taxed by the taxing officer accordingly. R.S.O. 1897, c. 62, s. 21.

Parties to sub-  
mission may  
agree as to  
fees to be  
paid to  
arbitrators.

Fees to  
witnesses.

22. No greater fees shall be taxed to a person called as a witness before an arbitrator than would be taxed to him in an action in the High Court. R.S.O. 1897, c. 62, s. 22.

In case of  
absence of  
parties, or  
postponement  
at their re-  
quest, costs of  
meeting to be  
charged  
against them.

23. Where, at a meeting of arbitrators, of which due notice has been given, no proceedings are taken in consequence of the absence of any party, or of a postponement at the request of any party, the arbitrators shall make up an account of the costs of the meeting, including the proper charges for their own attendance and that of any witnesses, and of the counsel or solicitor of the party present, and not desiring the postponement, and (unless, under the special circumstances of the case, they think that it would be unjust so to do), they shall charge the amount thereof, or of the disbursements, against the party in default or at whose request the postponement is made, and the last mentioned party shall pay the same to the other party, whatever may be the event of the reference, and the arbitrators shall, in the award, make any direction necessary for that purpose, and the amount so charged may be set off against, and deducted from, any amount awarded in his favour. R.S.O. 1897, c. 62, s. 23.

Taxing costs  
on arbitra-  
tions.

24.—(1) Any party to an arbitration shall be entitled to have the costs thereof, including the fees of the arbitrators, or such fees alone, taxed by one of the taxing officers of the Supreme Court, at Toronto, upon an appointment which may be given by the taxing officer for that purpose on the filing of an affidavit setting forth the facts.

(2) A taxation of the fees of the arbitrators may be had upon an appointment given at the instance of the arbitrators or any of them upon a like affidavit. R.S.O. 1897, c. 62, s. 24.

Discretion of  
taxing officer.

25.—(1) The taxing officer shall in no case, except as provided in section 21, tax higher fees than are mentioned in Schedules B and C, but, upon reasonable grounds he may reduce the maximum mentioned in the Schedules, but not below the minimum, having always regard to the length of the arbitration, the value of the matter in dispute, and the difficulty of the questions to be decided; but he shall not tax more than one counsel fee to either party for any meeting of the arbitrators.

Costs of  
award.

(2) The taxing officer may tax a reasonable sum for preparing the award.

Revision of  
taxation.

(3) An appeal may be had from such taxation in the same manner as from a taxing officer's certificate of taxation in an action. R.S.O. 1897, c. 62, s. 25.

26. An arbitrator who, after having entered upon the reference, refuses or delays after the expiration of one month from the publication of the award to deliver the same until a larger sum is paid to him for his fees than is by this Act permitted, or who receives for his award or for his fees as arbitrator any such larger sum, shall forfeit and pay to the party who has demanded delivery of the award or who has paid to the arbitrator such larger sum in order to obtain, or as a consideration for having obtained it, treble the excess so demanded or received by the arbitrator contrary to the provisions of this Act, to be recovered by action in a Court of competent jurisdiction. R.S.O. 1897, c. 62, s. 26.

Penalty for arbitrator attempting to exact excessive fees.

27. Where an award has been made the arbitrator may maintain an action for his fees after the same have been taxed; and in the absence of an express agreement to the contrary he may maintain such action against all the parties to the reference, jointly or severally. R.S.O. 1897, c. 62, s. 27.

Arbitrator to have action for fees

#### GENERAL PROVISIONS.

28. A Judge may order the sheriff, gaoler or other officer having the custody of a prisoner to produce him for examination before an arbitrator or an umpire. R.S.O. 1897, c. 62, s. 40.

Order to Sheriff to produce prisoner as witness.

29. An arbitrator or an umpire may at any stage of the proceedings and shall, if so directed by the Court, state in the form of a special case for the opinion of the Court any question of law arising in the course of the reference. R.S.O. 1897, c. 62, s. 41.

Statement of case for opinion of Court.

30. An order made under this Act may be made on such terms as to costs, or otherwise, as the authority making the order thinks just. R.S.O. 1897, c. 62, s. 42.

Costs in discretion of Court.

31. An arbitrator or an umpire, where no special reason appears to him to exist for filing an original book, paper or document as an exhibit, as hereinbefore provided, may allow a copy thereof or of such portion thereof as he may deem material to be substituted as an exhibit in the place of the original book, paper or document. R.S.O. 1897, c. 62, s. 43.

Copies of documents used as evidence may be filed in lieu of original.

32. Upon an appeal from or motion to set aside an award, any party may by notice require any other party to produce, and the party so required shall produce upon the hearing of the appeal or motion any original book, paper or document in his possession which has been used as an exhibit or given in evidence upon the reference, and which has

Production of exhibits on appeal or motion to set aside award.

has not been filed with the depositions. R.S.O. 1897, c. 62, s. 44.

Period within which application to set aside award must be made.

**33.—**(1) Unless by leave of the Court or a Judge, an application to set aside an award, otherwise than by way of appeal, shall not be made after six weeks from the publication of the award.

(2) Such leave may be granted before or after the expiration of the six weeks.

(3) In the computation of time for appealing against, or applying to set aside an award, the vacations shall not be reckoned. R.S.O. 1897, c. 62, s. 45.

Rules of Court.

**34.** Rules of Court for the better carrying out of the purposes of this Act and regulating the practice thereunder may be made by any authority to whom is committed power of making Rules of Court. R.S.O. 1897, c. 62, s. 50.

How instruments referring to repealed enactments to be construed. 60 V. c. 16.

**35.** Any Act, enactment or instrument referring to any Act or enactment repealed by the Act passed in the 60th year of Her late Majesty's reign, Chaptered 16, intituled *An Act for Amending and Consolidating the enactments respecting References and Arbitration*, or by this Act shall be construed as referring to this Act. R.S.O. 1897, c. 62, s. 51.

#### VALUATORS.

Court may appoint valuator or appraiser.

**36.—**(1) The Court or a Judge shall have power to appoint a valuator, valuer or appraiser, where it is provided by a written agreement that a valuation or appraisal shall be made by a valuator, valuer or appraiser.

(2) The power may be exercised in the like cases and the proceedings shall be the same as provided by section 9, except that the Court or a Judge shall not have power to appoint a valuator, valuer or appraiser in the place of one who is named in the agreement and who refuses to act, is incapable of acting, or dies. *New.*

#### REPEAL.

Repeal.

**37.** Chapter 62 of the Revised Statutes of Ontario, 1897, (excepting section 48), and all amendments to the said Act, are repealed.



## SCHEDULE A.

## (Section 6.)

## PROVISIONS TO BE IMPLIED IN SUBMISSIONS.

(a) If no other mode of reference is provided, the reference shall be to a single arbitrator.

(b) If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

(c) If any arbitrator or umpire or third arbitrator refuses to act, or is incapable of acting or dies the party or parties, or the arbitrators by whom he was appointed, may appoint an arbitrator, umpire or third arbitrator, as the case may be, in his stead, and this power may be exercised from time to time as vacancies occur; *New.*

(d) The submission shall not be revoked by the death of the parties or either of them.

(e) The award shall be delivered to any of the parties requiring the same, and the personal representatives of any party deceased may require delivery of the award.

(f) The arbitrators shall make their award in writing within three months after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may from time to time enlarge the time for making the award.

(g) If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire, a notice in writing, stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

(h) The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire by any writing signed by him may from time to time enlarge the time for making his award.

(i) The parties to the reference, and all persons claiming through them respectively, shall subject to any legal objection, submit to be examined by the arbitrators or umpire, on oath or affirmation, in relation to the matters in dispute, and shall subject as aforesaid, produce before the arbitrators or umpire all books, deeds, papers, accounts, writings, documents and things within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

(j) The witnesses on the reference shall be examined on oath or affirmation.

(k) The award to be made by the arbitrators or by a majority of them or by the umpire shall be final and binding on all the parties and the persons claiming under them respectively.

(l) The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom  
and

and in what manner those costs or any part thereof shall be paid, and may award costs to be paid as between solicitor and client.

R.S.O. 1897, c. 62, Sched. A.

## SCHEDULE B.

(Section 19.)

### FEES CHARGEABLE BY NON-PROFESSIONAL ARBITRATORS.

For every meeting where the reference is not proceeded with, but a postponement is made at the request of any party,	
not less than .....	\$2 00
Nor more than .....	4 00
For every day's sittings, to consist of not less than six hours,	
not less than .....	5 00
Nor more than .....	10 00
Where a day's sittings consists of more than six hours,	
For each additional hour, not less than .....	1 00
Nor more than .....	1 50
For every sittings not extending to six hours (fractional parts of hours being excluded) where the reference is actually proceeded with, for each hour occupied,	
Not less than .....	1 00
Nor more than .....	1 50

R.S. O. 1897, c. 62, Sched. B.

## SCHEDULE C.

(Section 20.)

### FEES CHARGEABLE BY PROFESSIONAL ARBITRATORS.

For every meeting where the reference is not proceeded with, but a postponement is made at the request of any party,	
not less than .....	\$4 00
Nor more than .....	8 00
For every day's sittings, to consist of not less than six hours,	
not less than .....	10 00
Nor more than .....	20 00
Where a day's sittings consists of more than six hours,	
For each additional hour, not less than .....	2 00
Nor more than .....	3 00
For every sittings not extending to six hours (fractional parts of hours being excluded) where the reference is actually proceeded with, for each hour occupied,	
Not less than .....	2 00
Nor more than .....	3 00

R.S.O. 1897, c. 62, Sched. C.

## CHAPTER 36.

An Act enabling Boards of Trade in Cities to  
appoint General Arbitrators for certain purposes.

*Assented to 13th April, 1909.*

TITLE, s. 1.	PROCEEDINGS AT ARBITRATION.
INTERPRETATION, s. 2.	ss. 14-22.
CHAMBER OF ARBITRATION, s. 3.	SETTING ASIDE AWARD, s. 23.
NOMINATION OF ARBITRATORS, s. 4.	COSTS, FEES, ETC., ss. 24-27.
ARBITRATORS TO BE SWORN, s. 5.	RULES, REGULATIONS, ETC., s. 28.
DISQUALIFICATION OF, s. 6.	APPLICATION OF ACT, s. 29.
ACCOMMODATION FOR, s. 7.	FORMATION OF BOARDS OF ARBITRATION IN OTHER CITIES, s. 30.
REGISTRAR OF ARBITRATORS, s. 8.	PRACTICE IN UNPROVIDED CASES, s. 31.
NUMBER OF ARBITRATORS, s. 9.	REPEAL, s. 32.
EFFECT OF SUBMISSION, s. 10.	
WITNESSES, ss. 11-13.	

HIS MAJESTY, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. This Act may be cited as "*The Boards of Trade Gen- Short title.*  
*eral Arbitration Act.*" R.S.O. 1897, c. 63, s. 1.

2. In this Act "Board" shall mean the Board of Trade Interpretation.  
of the City of Toronto. "Board."

3. The Council of the Board shall from time to time Chamber of  
determine the number of persons which, in the opinion of arbitration.  
the Council, shall be sufficient to form a Chamber of  
Arbitration, from whom Boards of Arbitration may be  
selected to hear and decide controversies, disputes and  
misunderstandings which may be voluntarily submitted to  
them for arbitration. R.S.O. 1897, c. 63, s. 2.

4.—(1) The council shall nominate not less than thirty Nomination of  
persons who shall have given their consent in writing to persons to act  
act as Arbitrators; from whom there shall be elected by as arbitrators.  
ballot by the members of the Board at a special meeting  
called

called for that purpose the number so determined upon by the Council as sufficient to form a Chamber of Arbitration.

Qualification.      (2) Any person so elected may but need not be a member of the Board.

Persons elected to be gazetted.      (3) Immediately after the election a list of the persons elected shall be published in the *Ontario Gazette* and such other newspapers as the Council of the Board may determine.

Term of office of arbitrators.      (4) The appointment shall be for two years from the date of the election, but if at the expiration of the two years an arbitration shall be pending before an Arbitrator his appointment, so far as such unfinished business is concerned, shall continue until such business is determined.

Names of arbitrators to be kept posted up.      (5) The names of the members of the Chamber of Arbitration shall be kept continuously posted in the offices of the Board. R.S.O. 1897, c. 63, s. 3.

Arbitrators to be sworn.      5.—(1) The persons so elected before acting shall take and subscribe an oath (Form 2).

Oath to be filed.      (2) The oath shall be filed with the Secretary of the Board. R.S.O. 1897, c. 63, s. 11.

Disqualification of arbitrators.      6. If any person so elected is convicted of an indictable offence his appointment shall forthwith be vacated, and, if he is engaged in an arbitration before three Arbitrators, the other two Arbitrators shall have all the powers of the three to continue such arbitration and make an award. R.S.O. 1897, c. 63, s. 4.

Rooms to be provided.      7. The Board shall provide persons who submit to arbitration under this Act with a place in which the arbitration may be held and all necessary forms and papers, and shall assist them in the course of the arbitration. R.S.O. 1897, c. 63, s. 5.

Registrar and his duties.      8. The Secretary of the Board shall be *ex-officio* Registrar of all Boards of Arbitration unless the Board of Trade makes a special appointment; and the duties of the Registrar (in addition to any duties which the Council of the Board may by rules in writing prescribe) shall be as follows:

(a) To receive submissions and payment of fees and costs;

(b) To notify the Arbitrators of their appointment;

(c) To give notice of hearing to the parties;

(d)

(d) To issue summonses for the attendance of witnesses and the production of documents;

(e) To keep a register of submissions, awards and reconciliations, and such other books and memoranda, and to make such returns as the Council of the Board shall require;

(f) To render such assistance to the Arbitrators as they may require; and

(g) To carry out generally the instructions of the Board of Trade. R.S.O. 1897, c. 63, s. 6.

9. All arbitrations shall be held before one, two or three Arbitrators, according to the agreement of the parties. R.S.O. 1897, c. 63, s. 7. Number of arbitrators at arbitrations.

10. A submission to arbitration may be according to Form 1, and when filed with the Registrar shall not be revocable. R.S.O. 1897, c. 63, s. 8. Submission not revocable.

11. The Registrar on the application of any party, may issue a summons (Form 3) requiring the attendance of a witness, and the production of any document or thing before the Arbitrators; and disobedience of such summons by any witness shall render him liable to the same extent and in the same manner as the disobedience of a subpoena issued out of the High Court. R.S.O. 1897, c. 63, s. 13. Compelling attendance of witnesses.

12. Persons giving evidence before the Arbitrators shall be examined on oath which may be administered by an Arbitrator or by the Registrar. R.S.O. 1897, c. 63, s. 15, *part*. Witnesses to be examined on oath.

13. The parties shall produce before the Arbitrators all documents and things in their possession or control which the Arbitrators may require. R.S.O. 1897, c. 63, s. 15, *part*. Production of documents by parties.

14. The Arbitrators may proceed in the absence of any party who, after reasonable notice, does not attend on the reference unless he has previously shewn to the Arbitrators good cause for not attending. R.S.O. 1897, c. 63, s. 16. When arbitrators may proceed *ex parte*.

15. The Arbitrators shall make their award within twenty-one days after the making of the submission, or on or before any later day to which they may in writing signed by them from time to time enlarge the time for making the award. R.S.O. 1897, c. 63, s. 17. Power to enlarge time for award.

16. The Arbitrators shall make and publish their award in writing signed by the Arbitrators making the same, and shall Award to be in writing.

shall deposit it with the Registrar; and every party to the reference may have a copy thereof upon payment of ten cents per folio of one hundred words, and of the fees hereinafter provided for. R.S.O. 1897, c. 63, s. 18.

Arbitrations  
to continue *de*  
*die in diem*.

17. The reference shall be continued from day to day so far as circumstances permit, and subject to such adjournments as the Arbitrators shall think necessary or just. R.S.O. 1897, c. 63, s. 19.

Barristers and  
solicitors.

18. If a party desires to be represented by a barrister, solicitor or agent, he shall, before the hearing, give two days' notice thereof to the Registrar, who shall forthwith inform the other party, who thereafter may be represented by a barrister, solicitor or agent without any notice. R.S.O. 1897, c. 63, s. 20.

Authority of  
agents.

19. Every person other than a barrister or solicitor appearing as the representative of a party shall file with the Registrar a letter signed by the party authorizing such person to represent him; otherwise such person shall not, without the consent of the other party, take any part in the proceedings. R.S.O. 1897, c. 63, s. 21.

Special case.

20. The attendance of parties may be dispensed with if they prefer jointly to state a case, to be filed with the Registrar, and agree to accept the decision of the Arbitrators thereon, and the award shall then be made on such stated case. R.S.O. 1897, c. 63, s. 22.

Sittings not to  
be public.

21. The sittings shall not be considered public and no person except the parties and their representatives and witnesses shall be admitted thereto without the permission of the Arbitrators which shall not be given if objected to by any of the parties, or be given to newspaper reporters without the special request of all parties. R.S.O. 1897, c. 63, s. 23.

Notice of  
hearing.

22. Unless they otherwise agree, at least five clear days' notice of the time fixed for proceeding with the reference shall be given by the Registrar to all parties to the submission. R.S.O. 1897, c. 63, s. 24.

Award may  
only be set  
aside for  
fraud.

23. There shall be no appeal from the award, but it may be set aside for fraud or for misconduct but not for any other cause, and, unless so set aside, it shall be binding and conclusive upon the parties to the submission and shall be a final settlement of the matter in difference. R.S.O. 1897, c. 63, s. 25.

Costs in  
discretion of  
arbitrators.

24. The costs of the reference and award shall be in the discretion of the Arbitrators, who shall have power to  
direct

direct to and by whom and in what manner and within what time the same shall be paid, but no fees or costs shall be payable except witness fees, Arbitrators' fees, Registrar's fees and office fees. R.S.O. 1897, c. 63, s. 28.

25. Unless the parties agree in writing to pay specified fees of a larger amount the following fees shall be allowed: Arbitrators' fees.

- (a) To each Arbitrator who shall be present at the hearing of the case, a fee of not more than \$5 for each sitting;
- (b) For office fee, including Registrar's assistance, forms, and room, \$5 for the first sitting, and \$3 for each sitting thereafter, of which the Arbitrators shall apportion so much as they may see fit to the Registrar for his attendance. R.S.O. 1897, c. 63, s. 29.

26.—(1) Unless the parties otherwise agree in writing, the award may be made by a majority of the Arbitrators. Award of majority to be binding

(2) Any act which is directed by this Act to be or which may be done by a Board of Arbitrators shall be valid if done by any two of them; and in case of the appointment of three Arbitrators the neglect or refusal of any Arbitrator to act shall not invalidate the proceedings taken by the majority of the Arbitrators appointed. R.S.O. 1897, c. 63, s. 30.

27.—(1) If the parties to the submission do not take up the award within seven days after notice of the publication thereof has been sent by the Registrar to them by registered post at their last known place of business or residence, the Registrar may obtain an order from the Arbitrators or a majority of them for the payment of the fees hereinbefore provided for. Recovery of fees where award not taken up.

(2) Upon such order being produced to the Clerk of the County Court of the County of York, he shall file the same, and shall issue execution in the name of the Registrar against the goods and lands of the parties named therein as upon a judgment in such Court, for the amount of such fees, and the costs proper to be taxed in the discretion of such Clerk for the order and execution; and such execution shall have the same force and effect as an execution in an action in such Court. R.S.O. 1897, c. 63, s. 31.

28.—(1) The Council of the Board may make rules and regulations not inconsistent with the provisions of this Act for the efficient carrying out of the objects of this Act and the awards made thereunder. Council of Board of Trade may make rules

(2) The rules and regulations so made shall not take effect until approved by the Lieutenant-Governor in Council. R.S.O. 1897, c. 63, s. 32.

Act not  
to affect arbi-  
trations be-  
tween mem-  
bers of the  
board.

29. This Act shall not interfere with or affect the provisions of the Acts relating to the Board of Trade of the City of Toronto, or to arbitrations between the members thereof, or to the by-laws and rules framed under such Acts. R.S.O. 1897, c. 63, s. 33.

Formation of boards of arbitration in other cities.

30.—(1) Upon the application of a Board of Trade duly formed in pursuance of the Revised Statutes of Canada, chapter 124, respecting the incorporation of Boards of Trade, or otherwise, in any city having at least 30,000 inhabitants according to the last preceding Dominion or municipal census, the Lieutenant-Governor in Council may direct that such Board of Trade may avail itself of the provisions of this Act and form a Chamber of Arbitration as provided by this Act in the case of the Board of Trade of the City of Toronto, and the provisions of this Act, *mutatis mutandis*, shall apply to such Board of Trade.

(2) The Order in Council shall be conclusive evidence that the city named therein is a city of 30,000 inhabitants.

(3) A copy of the Order in Council shall be laid before the Legislative Assembly at the first session after the passing thereof. R.S.O. 1897, c. 63, s. 34.

Practice in unprovided cases.

31. Where not inconsistent with the provisions of this Act the provisions of *The Arbitration Act*, excepting clause (b) of section 9 and section 29, shall apply to an arbitration under this Act. R.S.O. 1897, c. 63, s. 27.

Repeal.

32. Chapter 63 of the Revised Statutes of Ontario, 1897, and any amendments thereto are repealed.

## FORM 1.

(Section 10.)

### SUBMISSION TO ARBITRATION.

Agreement made this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,  
between \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_

Whereas differences have arisen between the parties hereto in respect of \_\_\_\_\_ and they have agreed to refer such differences to arbitration upon the terms and conditions contained in the Act of the Legislature of the Province of Ontario intituled *The Boards of Trade General Arbitration Act*.

Now it is hereby agreed by the said parties that all matters in difference between them in relation to the premises shall be and are hereby referred to (or to and ) and, in case they cannot agree upon a third arbitrator within three days, to such third arbitrator as the Registrar of the Chamber of Arbitration may select (or as the case may be).

In witness whereof the said parties have hereunto set their hands and seals.

Signed, sealed and delivered  
in the presence of

[L.S.]  
[L.S.]

R.S.O. 1897, c. 63, Schedule A.

FORM



## FORM 2.

(Section 5 (1).)

## FORM OF OATH OF ARBITRATORS.

I, \_\_\_\_\_, solemnly swear that I will faithfully, diligently and impartially perform my duties as arbitrator, and I will in all cases submitted to me, give a true and just award according to the best of my judgment and ability, without fear, favour or affection of or for any party or person whomsoever. So help me God.

R.S.O. 1897, c. 63, Schedule B.

## FORM 3.

(Section 11.)

## SUMMONS TO WITNESS.

In the matter of an Arbitration between A.B. and C.D. under  
*The Boards of Trade General Arbitration Act.*

To E.F.

I do hereby in the exercise of the powers in that behalf given by the said Act, summon and require you to attend at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon before the arbitrator (or arbitrators) there to be examined and give evidence on behalf of \_\_\_\_\_ and also to bring with you and produce at the time and place aforesaid (*specify documents or things to be produced*).

In default of your attending at the time and place aforesaid you are liable to be proceeded against under the provisions of the Act.

In witness whereof I have hereto set my hand this  
day of \_\_\_\_\_ 19\_\_\_\_.

A.B.,  
Registrar of the Board of Arbitration.

R.S.O. 1897, c. 63, Schedule D.

## CHAPTER 37.

## An Act respecting Lunatics.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## SHORT TITLE.

Short title. 1. This Act may be cited as "*The Lunacy Act.*"

## INTERPRETATION.

Interpretation. 2. In this Act:—

"Contingent right."

(a) "Contingent right" as applied to land, shall include a contingent and an executory interest; a possibility coupled with an interest whether the object of the gift or limitation or of such interest or possibility be or be not ascertained, and a right of entry, whether immediate or future and whether vested or contingent. R.S.O. c. 336, s. 2.

Imp. Act,  
53 Vict. c. 5,  
s. 341.

"Convey."  
"Conveyance."

(b) "Convey" and "conveyance" applied to any person shall mean the execution by such person of every necessary or suitable assurance for conveying or disposing to another land whereof such person is seized, or in which he is entitled to a contingent right, either for the whole estate of the person conveying or for any less estate, together with the performance of all formalities required by law to the validity of such conveyance. R.S.O. c. 336, s. 2.

Imp. Act,  
53 Vic. c. 5,  
s. 341.

"Court."

(c) "Court" shall mean the High Court.

"Land."

(d) "Land" shall include messuages, tenements and hereditaments, corporeal and incorporeal of every tenure or description whatever may be the estate

estate or interest therein, and whether entire or undivided. R.S.O. c. 336, s. 2. Imp. Act, 53 Vic. c. 5, s. 341.

(e) "Lunatic" and "lunatics" shall include an idiot and a person of unsound mind. "Lunatic."

(f) "Lunacy" shall include idiocy and unsoundness of mind. "Lunacy."

(g) "Mortgage" shall include every interest or property in real or personal estate which is a security for money or moneys worth. R.S.O. c. 336, s. 2. "Mortgage." Imp. Act, 53 Vic. c. 5, s. 341.

(h) "Possessed" shall be applicable to any vested estate less than a life estate at law or in equity, in possession or in expectancy in any land. "Possessed."

(i) "Seized" shall be applicable to any vested interest for life or of a greater description, and shall extend to estates at law and in equity in possession or in futurity in any land. R.S.O. c. 336, s. 2. "Seized." Imp. Act, 54 and 55 Vic. c. 65, s. 28.

(j) "Stock" shall include shares and any fund, annuity or security transferable in books kept by any company or society, or by instrument of transfer alone, or by instrument of transfer accompanied by other formalities, and any share or interest therein, and also shares in ships registered under the Acts relating to Merchant Shipping. R.S.O. c. 336, s. 2 and s. 15 (6). "Stock." Imp. Act, 53 Vic. c. 5, s. 341.

(k) "Trust" and "Trustee" shall include implied and constructive trusts and cases where the trustee has some beneficial interest, and also the duties incident to the office of personal representative of a deceased person, but not the duties incident to an estate conveyed by way of mortgage. R.S.O. c. 336, s. 2. "Trust." "Trustee." Imp. Act, 53 Vic. c. 5, s. 341.

#### JURISDICTION OF HIGH COURT.

3.—(1) Subject to the provisions of *The Act respecting Lunatic Asylums and the custody of Insane Persons*, the Court shall have all the powers, jurisdiction and authority of His Majesty over and in relation to the persons and estates of lunatics, including the care and the commitment of the custody of lunatics and of their persons and estates. R.S.O. c. 65, s. 2, *amended*. Court to have care of lunatics and their estates.

(2) The Court may make orders for the custody of lunatics and the management of their estates, and every such order shall take effect as to the custody of the person immediately

mediately, and as to the custody of the estate upon the completion of the Committee's security. English Act, s. 108 (2).

Power of Judge  
in Chambers.

4. The powers by this Act conferred upon the Court may be exercised by a Judge of the High Court in Chambers. (*New.*)

Power of  
Master and  
Official Referee

5. The Court may delegate to a Master, official referee or other officer all or any of the powers of the Court under this Act, except the making of a declaration of lunacy. (*New.*)

#### DECLARATION OF LUNACY.

Declaration  
of lunacy.

6.—(1) The Court upon application supported by evidence may by order declare a person a lunatic if the Court is satisfied that the evidence establishes beyond reasonable doubt that he is a lunatic.

(2) The application may be made by the Attorney-General for Ontario, by any one or more of the next of kin of the alleged lunatic, by his or her wife or husband, by a creditor or by any other person.

(3) The alleged lunatic and any person aggrieved or affected by the order shall have the right to appeal therefrom.

(4) The practice and procedure on the appeal shall be the same as on an appeal from an order made by the Court, except that an appeal shall lie of right from the Divisional Court to the Court of Appeal.

Court may  
direct an issue  
to be tried.

7.—(1) Where in the opinion of the Court the evidence does not establish beyond reasonable doubt the alleged lunacy, or where for any other reason the Court deems it expedient so to do, instead of making an order under subsection 1 of section 6, the Court may direct an issue to try the alleged lunacy.

(2) Subject to the provisions of section 8, the issue shall be tried with or without a jury as the Court directing it or the Judge presiding at the trial may order.

(3) The trial shall take place at such time and place as the Court may direct.

(4) On the trial of the issue the alleged lunatic, if within the jurisdiction of the Court, shall be produced, and shall be examined at such time and in such manner, either in open Court or privately (and where the trial is with a jury before the jury retire to consider their verdict) as the presiding Judge may direct, unless the Court by the order

order directing the issue or the Judge presiding at the trial dispenses with the production of the lunatic or with his examination.

(5) On the trial of the issue the inquiry shall be confined to the question whether or not the person who is the subject of the inquiry is at the time of the inquiry of unsound mind and incapable of managing himself or his affairs, and the presiding Judge shall make an order in accordance with the result of the inquiry. (*See R.S.O. c. 65, s. 9.*)

(6) The practice and procedure as to the preparation, entry for trial and trial of the issue and all the proceedings incidental thereto shall be the same as in the case of any other issue directed by the Court or a Judge.

(7) The alleged lunatic and any person aggrieved or affected thereby shall have the like right to move against a verdict or to appeal from an order made upon or after the trial as may be exercised by a party to an action in the High Court, including the right of appeal which shall lie without leave from the Divisional Court to the Court of Appeal; and the Court hearing any such motion or appeal shall have the same powers as upon a motion against a verdict or an appeal from a judgment entered at or after the trial of an action.

(8) Subject to the provisions of section 10, the order or judgment of the Court, or, where the issue is tried by a jury, the verdict of the jury shall be final unless set aside upon appeal or motion under the next preceding subsection. (*See R.S.O. c. 65, ss. 5 to 9.*)

8. An alleged lunatic shall be entitled to demand, by notice in writing to be given to the person applying for the declaration of his lunacy, and also to be filed in the Central Office, at Osgoode Hall, Toronto, at least ten days before the first day of the sittings at which the issue is directed to be tried, that any issue directed to determine the question of his lunacy shall be tried with a jury, and, unless he withdraws such demand before the trial, or the Court is satisfied by personal examination of the lunatic that he is not mentally competent to form and express a wish for a trial by jury and so declares by order, the issue shall be tried by a jury. *R.S.O. c 65, s. 5, amended.*

Alleged lunatic may have issue tried by jury.

9.—(1) For the purposes of the examination mentioned in the next preceding section, or where it is deemed proper for any other purpose, the Court may require the alleged lunatic to attend at such convenient time and place as the Court may appoint.

Examination of alleged lunatic.

(2) The Court may by order require an alleged lunatic to attend and submit to examination by one or more medical practitioners at such time and place as the order directs.

## SUPERSEDING DECLARATION OF LUNACY.

Application to  
supersede de-  
claration of  
lunacy.

Imp. Act,  
53 Vic., c. 5,  
ss. 101-105.

Appeal.

Directing issue  
as to restor-  
ation to sanity.

Order supersed-  
ing declaration  
of lunacy.

10.—(1) Upon application at any time after the expiration of one year from the date of the order by which a person has been declared a lunatic, or sooner by leave of the Court, the Court, if satisfied that such person has become of sound mind and capable of managing his own affairs, may make an order so declaring.

(2) Any such order shall be subject to appeal as provided by subsections 2 and 3 of section 6.

(3) Instead of making an order under subsection 1, the Court may direct an issue to try the question of the restoration to sanity of the person so formerly declared or adjudged a lunatic.

(4) Any issue so directed shall be subject to the provisions of section 7, and of section 8.

(5) Where a person formerly declared a lunatic has been found to be of sound mind and capable of managing his own affairs and the time for appealing from or moving against the order or verdict has expired, or if an appeal be taken or a motion made, when the same has been finally dismissed, an order may be issued superseding, vacating and setting aside the order declaring the lunacy of such person for all purposes except as to acts or things done in respect of the person or estate of the lunatic while such order was in force.

## COMMITTEES OF ESTATES OF LUNATICS.

Property of  
Lunatics.

11. Where a committee of the estate of a lunatic has been appointed

The com-  
mittee to file  
an inventory  
of present  
property.

(a) The committee shall, within six months after being appointed, file in the office of the Master to whom the matter is referred, or of such officer as may be appointed for that purpose, a true inventory of the whole real and personal estate of the lunatic, stating the income and profits thereof, and setting forth the debts, credits and effects of the lunatic, so far as the same have come to the knowledge of the committee;

Also, of after  
discovered  
property.

(b) If any property belonging to the estate is discovered after the filing of an inventory, the committee shall file a true account of the same from time to time, as it is discovered;

To be verified  
on oath.

(c) Every inventory and account shall be verified by the oath of the committee;

(d)

- (d) The committee shall give security with two or more sureties in double the amount of the personal estate, and of the annual rents and profits of the real estate, for duly accounting for the same once in every year or oftener if required by the Court, for filing the inventory and for the payment into Court of the balances in his hands upon such accounting forthwith after the same shall have been ascertained or otherwise as the Court may direct; and
- (e) The security shall be taken by bond in the name of the Accountant of the Supreme Court, and shall be filed in his office. R.S.O. 1897, c. 65, s. 10, *amended*. (See R.S.O. 1897, c. 220, s. 3.)

Security to be given by the committee.

Form of security.

#### MANAGEMENT AND ADMINISTRATION.

12. The powers conferred by this Act as to the management and administration of a lunatic's estate shall be exercisable in the discretion of the Court for the maintenance or benefit of the lunatic or of his family or where it appears to be expedient, in the due course of management of the property of the lunatic.

Powers of court as to maintenance of lunatic or his family.

Imp. Act, 53 Vic., c. 5, s. 116 (4).

13. Nothing in this Act shall subject a lunatic's property to claims of his creditors further than the same is now subject thereto by due course of law.

Rights of creditors.

Imp. Act, 53 Vic., c. 5, s. 116 (5).

14.—(1) The Court may order that any property of the lunatic, whether present or future, be sold, charged, mortgaged, dealt with or disposed of as may be deemed most expedient for the purpose of raising or securing or repaying with or without interest money which is to be or has been applied for any of the purposes following:

Power to raise money for certain purposes.

- (a) Payment of the lunatic's debts or engagements;
- (b) Discharge of any encumbrance on his property;
- (c) Payment of any debt or expenditure incurred for the lunatic's maintenance or otherwise for his benefit;
- (d) Payment of or provision for the expenses of his future maintenance.

Imp. Act, 53 Vic., c. 5, s. 117.

(2) Where a charge or mortgage is made, under this Act for the expenses of future maintenance, the Court may direct the same to be payable either contingently, if the interest charged is contingent or future, or upon the happening of the event if the interest is dependent on an event

event which must happen, and either in a gross sum or in annual or other periodical sums, and at such times and in such manner as may be deemed expedient.

Charging  
lunatic's estate  
for permanent  
improvements.

15.—(1) The Court may order that the whole or any part of any moneys expended or to be expended under an order of the Court for the permanent improvement, security, or advantage of the property of the lunatic, or of any part thereof, shall, with interest, be a charge upon the improved property or any other property of the lunatic, but so that no right of sale or foreclosure during the lifetime of the lunatic be conferred by the charge.

(2) The interest shall be kept down during the lunatic's lifetime out of the income of his general estate, as far as the same is sufficient to bear it.

(3) The charge may be made either to some person advancing the money or, if the money is paid out of the lunatic's general estate, to some person as trustee for him as part of his personal estate.

Powers of Com-  
mittee under  
order of court.  
Imp. Act,  
53 Vic., c. 5,  
s. 120.

16. The Court may, by order, authorize and direct the committee of the estate of a lunatic to do all or any of the following things:

- (a) Sell any property belonging to the lunatic;
- (b) Make exchange or partition of any property belonging to the lunatic or in which he is interested, and give or receive any money for equality of exchange or partition;
- (c) Carry on any trade or business of the lunatic;
- (d) Grant leases of any property of the lunatic for building, agricultural, or other purposes;
- (e) Grant leases of minerals forming part of the lunatic's property, whether the same have been already worked or not and either with or without the surface or other land;
- (f) Surrender any lease and accept a new lease;
- (g) Accept a surrender of any lease and grant a new lease;
- (h) Execute any power of leasing vested in a lunatic having a limited estate only in the property over which the power extends;
- (i) Perform any contract relating to the property of the lunatic entered into by him before his lunacy;

(j)



- (j) Surrender, assign, or otherwise dispose of with or without consideration any onerous property belonging to the lunatic;
- (k) Exercise any power or give any consent required for the exercise of any power where the power is vested in the lunatic for his own benefit or the power of consent is in the nature of a beneficial interest in the lunatic.

17. Any property taken in exchange and any renewed lease accepted on behalf of a lunatic under the powers of this Act, shall be to the same uses and be subject to the same trusts, charges, encumbrances, dispositions, devises, and conditions as the property given in exchange or the surrendered lease was or would, but for the exchange or surrender, have been subject to.

Property exchanged and renewed lease to be to same uses as before.

Imp. Act, 53 Vic., c. 5, s. 121.

18.—(1) The power to authorize leases of a lunatic's property under this Act shall extend to property of which the lunatic is tenant in tail, and every lease granted pursuant to any order under this Act shall bind the issue of the lunatic and all persons entitled in remainder and reversion expectant upon the estate tail of the lunatic, including the Crown, and every person to whom from time to time the reversion expectant upon the lease belongs upon the death of the lunatic shall have the same rights and remedies against the lessee, his executors, administrators, and assigns, as the lunatic or his committee would have had.

Extent of leasing power.

Imp. Act, 53 Vic., c. 5, s. 122.

(2) Leases authorized to be granted or accepted by or on behalf of a lunatic under this Act may be for such number of lives or such term of years, at such rent and royalties, and subject to such reservations, covenants, and conditions as the Court approves.

(3) Premiums or other payments on the renewal of leases may be paid out of the lunatic's estate, or charged with interest on the leasehold property.

19.—(1) The lunatic, his heirs, executors, administrators, next of kin, devisees, legatees, and assigns, shall have the same interest in any moneys arising from any sale, mortgage, or other disposition, under the powers of this Act which may not have been applied under such powers, as he or they would have had in the property the subject of the sale, mortgage, or disposition, if no sale, mortgage or disposition had been made, and the surplus moneys shall be of the same nature as the property sold, mortgaged or disposed of.

Lunatic's interest in property not to be altered by sale and mortgage.

Imp. Act, 53 Vic., c. 5, s. 123.

(2) Moneys received for equality of partition and exchange, or under any lease of unopened mines, and all premiums

premiums and sums of money received upon the grant or renewal of a lease, where the property the subject of the partition, exchange or lease was land of the lunatic, shall, subject to the application thereof for any purposes authorized by this Act, as between the representatives of the real and personal estate of the lunatic, be considered as real estate, except in the case of premiums and sums of money received upon the grant or renewal of leases of property of which the lunatic was tenant for life, in which case the premiums and sums of money shall be personal estate of the lunatic.

(3) In order to give effect to this section the Court may direct any money to be carried to a separate account, and may order such assurances and things to be executed and done as may be deemed expedient.

Power to carry orders into effect.

Imp. Act,  
53 Vic., c. 5,  
s. 124.

20. The committee of the estate or such person as the Court approves, shall in the name and on behalf of the lunatic, execute and do all such assurances and things for giving effect to any order under this Act as the Court directs, and every such assurance and thing shall be valid and effectual and shall take effect accordingly, subject only to any prior charge to which the property affected thereby at the date of the order is subject.

Powers vested in lunatic as trustee or guardian.

Imp. Act,  
53 Vic., c. 5,  
s. 128.

21. Where a power is vested in a lunatic in the character of trustee or guardian, or the consent of a lunatic to the exercise of a power is necessary in the like character, or as a check upon the undue exercise of the power, and it appears to the Court to be expedient that the power should be exercised or the consent given, the committee of the estate, in the name and on behalf of the lunatic, under an order of the Court made upon the application of any person interested, may exercise the power or give the consent in such manner as the order directs.

Exercise by court of lunatic's right to appoint trustees.

Imp. Act,  
53 Vic., c. 5,  
s. 129.

22. Where the Court exercises, in the name and on behalf of the lunatic, a power of appointing new trustees vested in the lunatic, the Court, where it seems to be for the lunatic's benefit and also expedient, may make any order respecting the property subject to the trust which might have been made in the same case under *The Trustee Act*, or *The Trustee Relief Act* on the appointment thereunder of a new trustee or new trustees.

Provision for maintenance when lunacy is temporary.

Imp. Act,  
53 Vic., c. 5,  
s. 127.

23.—(1) Where it appears to the Court that there is reason to believe that the unsoundness of mind of any lunatic so found is in its nature temporary, and will probably be soon removed, and that it is expedient that temporary provision should be made for the maintenance of the lunatic, or of the lunatic and the members of his immediate

immediate family who are dependent upon him for maintenance, and that any sum of money arising from or being in the nature of income or of ready money belonging to the lunatic, and standing to his account with a banker or agent, or being in the hands of any person for his use, is readily available and may be safely and properly applied in that behalf, the Court may allow thereout such amount as may be deemed proper for the temporary maintenance of the lunatic or of the lunatic and the members of his immediate family who are dependent upon him for maintenance, and may, instead of proceeding to order a grant of the custody of the estate, order or give liberty for the payment of any such sum of money, or any part thereof, to such person as, under the circumstances of the case, it may be thought proper to entrust with the application thereof, and may direct the same to be paid to such person accordingly, and when received to be applied and the same shall accordingly be applied in or towards such temporary maintenance.

(2) The receipt in writing of the person to whom payment is to be made for any moneys payable to him by virtue of an order under this section shall be a good discharge, and every person is hereby directed to act upon and obey every such order.

(3) The person receiving any money by virtue of an order under this section shall pass an account thereof when and as the Court may direct.

#### VESTING ORDERS.

24. Where any stock is standing in the name of or is vested in a lunatic beneficially entitled thereto, or is standing in the name of or vested in the committee of the estate of a lunatic so found, in trust for the lunatic, or as part of his property, and the committee dies intestate, or himself becomes a lunatic, or is out of Ontario, or it is uncertain whether the committee is living or dead, or he neglects or refuses to transfer the stock, or to receive or pay over the dividends thereof as directed by an order of the Court, then the Court may order some fit person to transfer the stock to or into the name of a new committee, or of the Accountant of the Supreme Court, or otherwise, and also to receive and pay over the dividends in such manner as the Court directs. R.S.O. c. 341, s. 14.

Power to transfer stock.  
imp. Act,  
53 Vic., c. 5,  
s. 133.

25. Where any stock is standing in the name of or vested in a person residing out of Ontario, the Court upon proof that he has been declared a lunatic and that his personal estate has been vested in a person appointed for

Stock in name of lunatic out of jurisdiction.  
imp. Act,  
53 Vic., c. 5,  
s. 134.

for the management thereof according to the law of the place where he is residing, may order some fit person to make such transfer of the stock or any part thereof to or into the name of the person so appointed or otherwise, and also to receive and pay over the dividends thereof as the Court may direct. R.S.O. c. 341, s. 15.

Power to vest  
land or release  
contingent  
right of lunatic  
trustee or  
mortgagee.  
Imp. Act,  
53 Vic., c. 5,  
s. 135.

26.—(1) Where a lunatic is solely or jointly seized or possessed of any land upon trust or by way of mortgage, the Court may by order vest such land in such person or persons for such estate and in such manner as the Court directs. (*See* R.S.O. c. 336, s. 6.)

(2) Where a lunatic is solely or jointly entitled to a contingent right in any land upon trust or by way of mortgage the Court may by order release such land from the contingent right and dispose of the same to such person as the Court shall direct. (*See* R.S.O. c. 336, s. 7.)

(3) An order made under subsections 1 and 2 shall have the same effect as if the trustee or mortgagee had been sane and had executed a deed conveying the land for the estate named in the order, or releasing or disposing of the contingent right.

(4) Where an order may be made under this section, the Court may, if it is more convenient, appoint a person to convey the land or release the contingent interest, and a conveyance or release by such person in conformity with the order shall have the same effect as an order under subsections 1 and 2. (*See* R.S.O. c. 336, s. 13.)

Lunatic trustee  
or mortgagee  
of stock or  
chose in  
action.

Imp. Act,  
53 Vic., c. 5,  
s. 136.

27.—(1) Where a lunatic is solely entitled to any stock or chose in action upon trust or by way of mortgage, the Court may by order vest in any person the right to transfer or to call for a transfer of the stock or to receive the dividends thereof, or vest in any person the chose in action, or any interest in respect thereof.

(2) Where any person is jointly entitled with a lunatic to any stock or chose in action upon trust or by way of mortgage the Court may make an order vesting the right to transfer or to call for a transfer of the stock or to receive the dividends thereof or vesting the chose in action or any interest in respect thereof either in such person alone or jointly with any other person. (*See* R.S.O. c. 336, s. 16.)

(3) Where any stock is standing in the name of a deceased person whose personal representative is a lunatic or where a chose in action is vested in a lunatic as the personal

personal representative of a deceased person, the Court may make an order vesting the right to transfer or to call for a transfer of the stock or to receive the dividends thereof or vesting the chose in action or any interest in respect thereof in any person whom the Court may appoint. (*See* R.S.O. c. 336, s. 17.)

(4) Where an order may be made under this section the Court may if it is more convenient appoint some fit person to make or join in making the transfer. (*See* R.S.O. c. 336, s. 14.)

28.—(1) The person in whom the right to transfer or to call for a transfer of any stock is vested may execute and do all powers of attorney, assurances and things to complete the transfer, according to the order, and the transfer shall be valid and effectual to all intents and purposes; and banks and other companies and their officers and all other persons shall be bound to obey every such order according to its terms. (*See* R.S.O. c. 336, s. 15 (3); and s. 2.)

Execution of powers of attorney and transfers.

(2) After notice in writing of an order under this Act, it shall not be lawful for a bank or other company to transfer stock to which the order relates or pay any dividends except in accordance with the order. (*See* R.S.O. c. 336, s. 15 (4).)

29. This Act and every order purporting to be made under this Act shall be a full indemnity and discharge to any bank and other company and society and their respective officers and servants, and all other persons for all acts and things done or permitted to be done pursuant thereto so far as relates to any property in which a lunatic is interested either in his own right or as trustee or mortgagee, and it shall not be necessary to enquire into the propriety of any order purporting to be made under this Act relating to any such property or the jurisdiction to make the same. (*See* R.S.O. c. 336, s. 19.)

Order to be complete discharge.

Imp. Act, 53 Vic., c. 5, s. 333.

30. The fact that an order made under this Act for conveying or vesting land or releasing or disposing of a contingent right has been founded on an allegation of the lunacy of a trustee or mortgagee, shall be conclusive evidence of the fact alleged in any Court upon any question as to the validity of the order; but this section shall not prevent the Court from directing a reconveyance of any land or contingent right dealt with by the order, or from directing any party to any proceeding concerning such land or right to pay any costs occasioned by the order, where the same appears to have been improperly obtained. (*See* R.S.O. c. 336, s. 26.)

Order to be conclusive evidence of lunacy.

Imp. Act, 53 Vic., c. 5 s. 140.

Order vesting  
in trustees of  
charities.

Imp. Act,  
53 Vic., c. 5,  
s. 138.

**31.** The powers conferred by this Act as to vesting orders may be exercised for vesting any land, stock or chose in action in the trustee or trustees of any charitable society or in any incorporated charitable body over which the Court would have jurisdiction upon action duly instituted, whether the appointment of such trustee or trustees was made by instrument under a power or by the Court under its general or statutory jurisdiction. R.S.O. c. 336, s. 27.

Declarations  
and directions  
as to stock  
and choses in  
action.

Imp. Act,  
53 Vic., c. 5,  
s. 139.

**32.** The Court may make declarations and give directions concerning the manner in which the right to any stock or chose in action vested under the provisions of this Act is to be exercised. R.S.O. c. 336, s. 15 (5).

Appointment  
of new trustee.

Imp. Act,  
53 Vic., c. 5,  
s. 141.

**33.** Where the Court has jurisdiction to order a conveyance or transfer of land or stock or to make a vesting order, an order may also be made appointing a new trustee or trustees.

#### MISCELLANEOUS PROVISIONS.

Money in court  
belonging to  
lunatic in  
Great Britain,  
Ireland or any  
other part of  
Canada.

**34.** Where there is money in any Court to the credit of a person who has been found or who is alleged to be a lunatic and such person is resident in Great Britain or Ireland or in any part of Canada, other than the Province of Ontario, upon production of an order made by a Superior Court exercising jurisdiction where such person is resident, authorizing any person to receive such money, the Court may make an order for payment of such money to the person designated in the order to receive the same. (*New.*)

Costs.

**35.** The Court may order the costs, charges and expenses of and incidental to orders, issues, directions, conveyances, transfers and all proceedings of whatever nature under this Act to be paid by any party to the application, issue or proceeding or out of the estate of the lunatic or alleged lunatic or partly in one way and partly in another.

Rules.

**36.**—(1) The Supreme Court may make rules for carrying this Act into effect and for regulating the costs in relation thereto and except where inconsistent with the provisions of this Act, or such rules, *The Judicature Act* and Rules made thereunder shall apply to proceedings under this Act.

(2) The provisions of *The Judicature Act* as to the promulgation of rules made thereunder and the effect thereof, shall apply to rules made under the authority of this section.

REPEAL.

37. Chapter 65 of the Revised Statutes of Ontario, 1897; Repeal. Chapter 341 of the said Revised Statutes (except section 3); and sections 6, 7, 16 and 17 of Chapter 336 of the said Revised Statutes are repealed.

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## CHAPTER 38.

## An Act respecting Actions of Replevin.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Short title.** 1. This Act may be cited as "*The Replevin Act.*"  
R.S.O. 1897, c. 66, s. 1.

**Interpretation.** 2. In this Act

'Sheriff,' "Sheriff" shall include any officer to whom an execution or other process is directed. (*New.*)

## WHEN GOODS REPLEVIABLE.

**When goods may be replevied.**

3. Where goods, chattels, deeds, bonds, debentures, promissory notes, bills of exchange, books of account, papers, writings, valuable securities or other personal property or effects have been wrongfully distrained or have been otherwise wrongfully taken or detained, the owner or other person capable of maintaining an action for damages therefor may bring an action of replevin for the recovery thereof, and of the damages sustained by reason of such distraint, taking or detention. R.S.O. 1897, c. 66, s. 2, *part.*

**Goods seized not to be replevied by parties.**

4. An action of replevin shall not be brought for the recovery of personal property seized under process by and in the custody of a Sheriff, bailiff or other officer. (*New.*) See R.S.O. 1897, c. 66, s. 3.

**Power of sheriff to make search under order of replevin in dwelling house of defendant or others holding for him.**

5. Where a Sheriff has in his hands an order of replevin, and the property to be replevied or any part thereof is reasonably supposed to be secured or concealed in any dwelling house of the defendant, or of any other person holding the same for him, and the Sheriff publicly demands at the door of such dwelling house delivery of the property



property to be replevied, and the same is not delivered to him within six hours after such demand, he may, and shall, if necessary (but during daylight only), break open such dwelling house for the purpose of replevying such property or any part thereof, and, if found therein, shall make replevin according to the order. R.S.O. 1897, c. 66, s. 4.

6. Where the property to be replevied, or any part thereof, is reasonably supposed to be secured or concealed in an enclosure other than a dwelling house of the defendant, or of another person holding the same for him, and the Sheriff publicly demands at the enclosure, delivery of the property to be replevied, and the same is not forthwith delivered to him, he may, and shall, if necessary, at once break open such enclosure for the purpose of replevying such property or any part thereof, and, if found therein, shall make replevin according to the order. R.S.O. 1897, c. 66, s. 5.

When concealed in other enclosure.

7. Where the property to be replevied, or any part thereof, is reasonably supposed to be concealed either about the person or on the premises of the defendant, or of any other person holding the same for him, and the Sheriff demands from the defendant, or such other person, delivery thereof, and delivery is neglected or refused, he may, and if necessary, shall, search and examine the person, and (subject to the next two preceding sections) the premises of the defendant or other person, for the purpose of replevying the property, or any part thereof, and, if found, shall make replevin according to the order. R.S.O. 1897, c. 66, s. 6.

When concealed on person, etc.

#### REPLEVIN IN COUNTY COURTS.

8. Where the value of the property distrained, taken or detained, does not exceed \$200, and the title to land of a greater value than \$200 is not brought in question, the action may be brought in the County Court of any County wherein the property was distrained, taken or detained. R.S.O. 1897, c. 66, s. 7.

In cases under \$200 action may be brought in Division Court.

#### REPLEVIN IN DIVISION COURTS.

9. Where the value of the property distrained, taken or detained, does not exceed \$60, and the title to land is not brought in question, the action may be brought in the Division Court for the division within which the defendant or one of the defendants resides or carries on business, or where the property was distrained, taken or detained. R.S.O. 1897, c. 66, s. 8 (1).

In cases under \$60, action may be brought in Division Court.

10. Chapter 66 of the Revised Statutes of Ontario, 1897, Repeal. and all amendments thereto are repealed.

#### CHAPTER

## CHAPTER 39.

## An Act respecting Dower.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.

## PART I.

DOWER AND QUARANTINE, s. 2.

DAMAGES FOR DEFORCEMENT, s. 3.

DOWER OUT OF EQUITABLE ESTATES, s. 4.

DOWER WHERE HUSBAND HAD A RIGHT OF ENTRY, s. 5.

DOWER NOT RECOVERABLE OUT OF WILD LANDS, s. 6.

DOWER IN CERTAIN MINING LANDS, s. 7.

NO DOWER OUT OF LAND DEDICATED FOR STREET OR HIGHWAY, s. 8.

DOWER FORFEITED BY ADULTERY, s. 9.

EFFECT OF BAR OF DOWER IN MORTGAGES, ss. 10-12.

PROVISIONS FOR CONVEYING FREE FROM DOWER WHERE WIFE

DISENTITLED OR A LUNATIC, ss. 13-17.

REGISTRATION AND FORM OF ORDERS, s. 18.

CASE WHERE ACTION OF DOWER NOT MAINTAINABLE, s. 19 (1).

DEEDS BARRING DOWER BEFORE 2ND MARCH, 1877, CONFIRMED, s. 19 (2).

CERTAIN DEEDS TO HAVE THE EFFECT OF BARRING DOWER, s. 20.

## PART II.

ASSIGNMENT OF DOWER WITHOUT ACTION, s. 21.

TENANT SERVED WITH WRIT TO NOTIFY LANDLORD, s. 22.

MODE OF ESTIMATING DAMAGES, s. 23.

ASSIGNMENT OF DOWER AFTER JUDGMENT, ss. 24-34.

REPEAL, s. 35.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title

1. This Act may be cited as "*The Dower Act.*" R.S.O. 1897, c. 164, s. 1.

## PART I.

Dower and quarantine.

2. A widow, on the death of her husband may tarry in his chief house for forty days after his death, within which time her dower shall be assigned her, if it has not been assigned her before, and in the meantime she shall have her reasonable maintenance; and for her dower shall be assigned to her the third part of all the lands of her husband, whereof he

he was seized at any time during coverture, except such thereof as he was so seized of in trust for another. 25 Ed. I., c. 7 (Magna Carta); R.S.O. 1897, c. 330, s. 6.

3. A widow wrongfully deforced of dower, or quarantine, may recover damages for such deforcement against the deforcer. 20 Hen. III. (St. of Merton), c. 1; R.S.O. 1897, c. 330, s. 7. Damages for deforcement.

4. Where a husband dies beneficially entitled to any land for an interest which does not entitle his widow to dower at common law, and such interest, whether wholly equitable or partly legal and partly equitable, is, or is equal to an estate of inheritance in possession, (other than an estate in joint tenancy), his widow shall be entitled to dower out of such land. R.S.O. 1897, c. 164, s. 2. Dower out of equitable estates.

5. Where a husband has been entitled to a right of entry or action in any land, and his widow would be entitled to dower out of the same if he had recovered possession thereof, she shall be entitled to dower out of the same although her husband did not recover possession thereof; but such dower shall be sued for or obtained within the period during which such right of entry or action might be enforced. R.S.O. 1897, c. 164, s. 3. Dower where husband had a right of entry.

6. Dower shall not be recoverable out of any separate and distinct lot, tract, or parcel of land, which, at the time of the alienation by the husband or at the time of his death, if he died seized thereof, was in a state of nature, and unimproved by clearing, fencing or otherwise for the purposes of cultivation or occupation; but this shall not restrict or diminish the right to have woodland assigned to the dowress under section 28, from which it shall be lawful for her to take firewood necessary for her own use, and timber for fencing the other portions of the same lot, tract or parcel assigned to her. R.S.O. 1897, c. 164, s. 4. Dower not recoverable out of land in state of nature when aliened.

7. No dower shall be recoverable out of any land which has been heretofore or shall be hereafter granted by the Crown as mining land in case such land is on or after the 31st day of December, 1897, granted or conveyed to the husband of the person claiming dower and he does not die entitled thereto. R.S.O. 1897, c. 164, s. 5. Dower in land patented as Mining Land.

8. Lands dedicated by the owner thereof for a street or public highway shall not be subject to any claim for dower by the wife of the person by whom the same was dedicated. 3 Edw. VII., c. 19, s. 602. Lands dedicated for streets not subject to dower.

Dower forfeited  
by elopement  
with adulterer.

9. Where a wife willingly leaves her husband, and goes away, and continues with her adulterer, she shall be barred forever of her action to demand her dower that she ought to have of her husband's lands, unless her husband willingly and without coercion be reconciled to her, and suffer her to dwell with him; in which case she shall be restored to her action. 13 Ed. I. (St. of Westminster 2nd), c. 34; R.S.O. 1897, c. 330, s. 9.

*As to women having jointures, see Stat. of Uses, R.S.O. c. 331, ss. 5, 6 and 7.*

Effect of bar  
of dower in  
mortgages.

10.—(1) No bar of dower contained in any mortgage or other instrument intended to have the effect of a mortgage or other security upon land shall operate to bar such dower to any greater extent than shall be necessary to give full effect to the rights of the mortgagee or grantee under such instrument.

Wife entitled  
to dower  
in surplus of  
purchase  
money arising  
from sale  
under mort-  
gage.

(2) Where land comprised in such mortgage or other instrument is sold under any power of sale contained therein or under any legal process the wife of the mortgagor or grantor who shall have so barred her dower in such land shall be entitled to dower in any surplus of the purchase money arising from such sale which may remain after satisfaction of the claim of the mortgagee or grantee, to the same extent as she would have been entitled to dower in the land from which such surplus purchase money shall be derived had the same not been sold, and, except where the mortgage or other instrument is for the purchase money of the land, the amount to which she is entitled shall be calculated on the basis of the amount realized from the sale of the land, and not upon the amount realized from the sale over and above the amount of the mortgage only. R.S.O. 1897, c. 164, ss. 7 and 8 (1).

*[As to right to dower under The Land Titles Act where land acquired subject to a charge, or where owner after charging land marries, see R.S.O. Cap. 138, s. 50.]*

Payment of  
money into  
court.

11.—(1) A mortgagee or other person holding any money out of which a married woman shall be dowable under the next preceding section may pay the same into the High Court to the credit of such married woman and the other persons interested therein.

Order for  
securing right  
of dower.

(2) The High Court or a Judge thereof may, on a summary application, make such order as may be deemed just for securing the right of dower of a married woman, in any money out of which she shall be dowable. R.S.O. 1897, c. 164, s. 9.

12. A widow shall not be entitled to take her interest in money under section 10, and in addition thereto a share of the money as personal estate. R.S.O. 1897, c. 164, s. 10. Widow's election.

13. Where a person whose wife is a lunatic and confined as such in a public lunatic asylum in Ontario, has heretofore, while his wife was so confined, become the owner of land or hereafter while she is so confined becomes the owner of land, he may sell and convey or mortgage such land, freed and discharged of any claim of his wife for dower therein, but no such conveyance or mortgage shall be made after the discharge of his wife from the asylum. R.S.O. 1897, c. 164, s. 11. Where wife is a lunatic confined in an asylum and husband during such confinement acquires land

14.—(1) Where the wife of an owner of land,—

(a) Has been living apart from him for two years under such circumstances as disentitle her to alimony; or Application in order to mortgage or sell free from dower where wife living apart from her husband.

(b) Is a lunatic or of unsound mind and confined as such in a lunatic asylum

and such owner is desirous of selling or mortgaging the land free from dower, a Judge of the High Court, or a Judge of the County or District Court of the County or District in which such owner resides, on application by him may, by an order to be made in a summary way, upon such evidence as to the Judge may seem meet, and upon notice (to be served personally unless the Judge otherwise directs), dispense with the concurrence of the wife for the purpose of barring her dower.

(2) The Judge shall, unless the wife has been so living apart from her husband under such circumstances as disentitle her to dower, ascertain and state in the order the value of such dower and shall by the order direct that the amount thereof shall remain a charge upon the land or be secured otherwise for the benefit of the wife or be paid or applied for her benefit as he may deem best. Order—form and contents of.

(3) After the making of the order a conveyance or mortgage by the owner, expressed to be free from his wife's dower, shall, subject to the terms and conditions mentioned in the order, be sufficient to bar her right thereto. Conveyance or mortgage after order.

(4) This section shall extend to any case in which an agreement for sale has been made, or a conveyance executed by the husband, and part of the purchase money retained by the purchaser on account of dower or an indemnity given against such dower, and in any such case the application may be made by any person interested in the land, the purchase money retained or the indemnity. R.S.O. 1897, c. 164, s. 12. When agreement for sale executed by husband or part of purchase money retained.

(5)

Application where wife is an infant or a lunatic confined in an asylum.

(5) Where the wife is an infant or a lunatic or of unsound mind, notice of the application shall be served on the Official Guardian, and where the wife is a lunatic confined in a public lunatic asylum in Ontario the notice shall also be served on the Inspector of Asylums.

Fee of Judge for order.

(6) On every such application the Judge shall be entitled to his own use to a fee of \$5, and no other fee or charge of any kind shall be payable in respect thereof, except that for filing the affidavits and papers the proper officer shall charge the same fees as for filing papers in other cases, which in the High Court shall be paid in law stamps. R.S.O. 1897, c. 164, s. 13 (2); 2 Edw. VII. c. 12, s. 20.

Application where wife is lunatic but not confined in an asylum.

**15.—(1)** Where the gaol surgeon of a county or district in which a married woman who is not confined in a lunatic asylum resides, and another medical practitioner to be named by the Judge, each certifies (Form 1) that he has personally examined such married woman and that he is of opinion that she is insane, and a Judge of the County or District Court of the county or district in which such married woman resides, or a Judge of the High Court, also certifies (Form 2) that he has personally examined such married woman, and that from such examination and from the evidence adduced before him, (if such Judge thinks it expedient to hear evidence), he is of opinion that such married woman is insane, the Judge may make the like order as by the next preceding section is authorized.

Examination and certificates to be made within one month.

(2) The examination and certificates required by this section shall not be acted upon by the Judge unless all are made within a period of one month, and the application shall not be entertained unless it is made within one month after the day upon which the last of such examinations took place. R.S.O. 1897, c. 164, s. 14.

Subsequent orders by judge as to other sales or mortgages.

**16.** Where a Judge makes an order under either of the next preceding two sections, with reference to any parcel of land, he may afterwards make orders in respect of other sales or mortgages by the husband, on the evidence adduced on the first application, and on other evidence which may satisfy him of the continued insanity of the wife. R.S.O. 1897, c. 164, s. 15.

Where wife of vendor or mortgagor has been living apart from husband for five years.

**17.—(1)** Where the wife of an owner of land has been living apart from her husband for five years or more, and the husband sells and conveys, or has sold and conveyed the land, or mortgages, or has mortgaged the same, the wife not having joined in the conveyance or mortgage, and the purchaser or mortgagee not having had notice that the grantor

grantor or mortgagor had a wife living at the time, such purchaser or mortgagee may during the lifetime of the grantor or mortgagor apply to a Judge of the High Court or to a Judge of the County or District Court of the County or District in which he resides for an order enabling him to convey or mortgage the land free from the dower of such wife, which may be obtained subject to the like conditions, and by the like proceedings, as are provided by section 14.

(2) A person claiming under the grantee or mortgagee shall be entitled to apply in like manner and obtain like relief founded on the right which such grantee or mortgagee had, or on the applicant's own interest having been acquired by purchase for value in good faith without notice that such owner had a wife at the time of the conveyance or mortgage. Relief of persons claiming under grantee or mortgagee. R.S.O. 1897, c. 164, s. 17.

18.—(1) An order under any of the preceding sections may be made in duplicate or in as many parts as are necessary, and shall be signed by the Judge, and may be registered in the registry office of the registry division wherein the land to which the same relates is situate, upon its production and deposit, without any proof thereof; and such registration may take place either before or after the execution of the conveyance or mortgage made in pursuance of such order. Registration of order. R.S.O. 1897, c. 164, s. 18.

(2) The order may be indorsed or written upon the conveyance or mortgage, in which case it shall be registered as part thereof. Order may be indorsed on deed. R.S.O. 1897, c. 164, s. 19.

(3) For the registration of the order including all necessary entries and certificates, the registrar shall be entitled to a fee of \$1, unless the order is indorsed or written upon the conveyance or mortgage, in which case no fee shall be payable in respect of the registration thereof. Fee for registration of order. R.S.O. 1897, c. 164, s. 20.

(4) If the order is indorsed or written upon the conveyance or mortgage the land may be described in the order by reference to the description contained in the conveyance or mortgage. Description of land in order when order indorsed on deed. R.S.O. 1897, c. 164, s. 21.

19.—(1) No action of dower shall lie where the dowress has joined in a deed to convey the land, or to release her dower therein, to a purchaser for value, though the acknowledgment required by law at the time may not have been made or taken, or though there may have been an informality in the making, taking or certifying such acknowledgment. Case where action not maintainable.

(2) Nor shall an action of dower lie where a husband before the 2nd day of March, 1877, duly conveyed land of which he was owner, and his wife before the said day executed Deeds barring dower before 2nd March, 1877, confirmed.



cuted a deed or conveyance for the purpose of barring her dower, notwithstanding her husband was not a party to such deed or conveyance, and the said deed or conveyance shall be taken and adjudged to be valid and effectual to have barred her dower in the lands in which such deed or conveyance professed to bar dower, notwithstanding the absence or want of a certificate touching her consent to be barred of her dower, and notwithstanding any irregularity, informality or defect in the certificate (if any), and notwithstanding that such deed or conveyance may not have been executed, acknowledged or certified, as required by any Act on or before the said day in force, respecting the barring of dower. R.S.O. 1897, c. 164, s. 22, *part*.

Wife joining  
in deed with-  
out releasing  
dower.

20. Where a wife has joined or hereafter joins in a conveyance or mortgage purporting to convey or mortgage land, or has signed or signs, otherwise than as a witness, a conveyance or mortgage by which her husband conveys or mortgages or purports to convey or mortgage land, but the conveyance or mortgage contains no words purporting to release her dower or other estate or interest in the land, the conveyance or mortgage shall have the same effect as if it contained a bar of dower by the wife and she thereby barred her dower in the land. Provided always that as to conveyances and mortgages executed before the 16th day of April, 1895, this section shall not be construed as prejudicing or affecting the rights of third persons claiming the land or some interest therein under a subsequent conveyance or mortgage executed by the wife before the said 16th day of April, 1895, containing a conveyance or release of her dower or other estate or interest. R.S.O. 1897, c. 164, s. 22, *part, amended*.

Deeds executed  
before 16th  
April, 1895.

[*For right of married women to convey or release dower, See R.S.O. Cap. 165.*]

## PART II.

### PROCEDURE AND ASSIGNMENT OF DOWER.

Dowress and  
tenant may  
agree upon  
assignment,  
etc.

21. The dowress and the tenant of the freehold may, by an instrument under their hands and seals, executed in the presence of two witnesses, agree upon the assignment of dower, or upon a yearly or gross sum of money to be paid in lieu and satisfaction of dower, and the instrument may be registered in the proper registry office by filing the same or a duplicate thereof, verified by the affidavit of one of the subscribing witnesses, and shall entitle the dowress to hold the land so assigned to her against the assignor and all parties claiming through or under him, as tenant for her life, or to distrain for, or to sue for, and  
recover



recover in any Court of competent jurisdiction the yearly or gross sum agreed to be paid to her by the tenant of the freehold; and the instrument so registered shall be a lien upon the land for such yearly or gross sum, and shall be a bar to any action or proceeding by the dowress for dower in the lands mentioned therein. R.S.O. 1897, c. 67, s. 2.

22. Every tenant in possession, who is not also tenant of the freehold, and who is served with a writ of summons in an action for the recovery of dower shall forthwith give notice thereof to his landlord or other person under whom he entered into possession, under the penalty of forfeiting the value of three years' improved rent of the premises in the possession of the tenant, to the person under whom he entered into possession, to be recovered by action in the High Court. R.S.O. 1897, c. 67, s. 3.

Tenant in possession, not also tenant of freehold to notify landlord.

Penalty.

23. In estimating damages for the detention of dower or the yearly value of the land, for the purpose of fixing a yearly sum of money in lieu of an assignment of dower by metes and bounds, the value of permanent improvements made after the alienation of the land by the husband, or after the death of the husband, shall not be taken into account; but the damages or yearly value shall be estimated upon the state of the property at the time of such alienation or death, allowing for the general rise, if any, in the price and value of land in the particular locality. R.S.O. 1897, c. 67, s. 4.

Mode of estimating damages for detention of dower, etc.

#### ASSIGNMENT OF DOWER AFTER JUDGMENT.

24. The Sheriff, on receipt of the writ of assignment of dower shall by writing under his seal of office, appoint two resident freeholders of his County who are rated upon the assessment roll for real estate of a value not less than \$2,000 each, and each of whom would in other respects be eligible to serve as a juror between the parties named in the writ, and an Ontario Land Surveyor to be Commissioners to admeasure the dower, and the Sheriff shall, in such writing, set out a copy of the writ, and shall name therein a day on or before which the Commissioners shall make and return to him a report of their proceedings and determination in the execution of the duty assigned to them. R.S.O. 1897, c. 67, s. 5.

Sheriff to appoint Commissioners to admeasure the dower, etc.

25. In case of the death or refusal to act of any or all of the Commissioners so appointed, the Sheriff shall, from time to time, in like manner, appoint another or others to perform the duty of any who may die or refuse to act. R.S.O. 1897, c. 67, s. 6.

Provision in case of death, etc., of Commissioners.

Oath of Commissioners.

26. Every Commissioner so appointed shall, before entering upon the execution of his duty, take and subscribe an affidavit in the form following; and the said Commissioners shall annex to their report the affidavits sworn by them, and return them to the Sheriff:

Form of oath.

"I, \_\_\_\_\_, do swear that I am not of kin to the plaintiff (*naming her*) or to the defendant (*naming him*), or in any way interested in the land out of which the assignment of dower is to be made by me, and that I will honestly, impartially, and to the best of my skill and ability, execute and perform the duties imposed upon me by the appointment of \_\_\_\_\_, Esquire, Sheriff of the County of \_\_\_\_\_ as a Commissioner for the admeasurement of dower between the said plaintiff and the said defendant according to law."

R.S.O. 1897, c. 67, s. 7.

Commissioners when sworn to be officers of the Court.

27. After taking and subscribing such affidavit, the Commissioners shall, for all purposes in the fulfilment of the duties by law required of them, be considered officers of the Court, and shall be entitled to the same immunities and protection and be subject to the same liabilities and proceedings as a Sheriff in the discharge of his duty. R.S.O. 1897, c. 67, s. 8.

Mode of procuring attendance of witnesses before Commissioners.

28.—(1) If either party desires to produce a witness before the Commissioners, such party may sue out a subpoena *ad testificandum* or *duces tecum* from the office in which the action was commenced, commanding the attendance of such witness at the time and place appointed by the Commissioners.

Payment of witnesses.

(2) The person so required to attend shall be entitled to be paid the same fees, allowances, and conduct money as if he had been subpoenaed as a witness in an ordinary action. R.S.O. 1897, c. 67, s. 15.

Their duties.

29.—(1) It shall be the duty of the Commissioners:

To administer dower by bounds, etc.;

(a) To admeasure, designate and lay off without delay, by sufficient marks, descriptions, boundaries or monuments, one-third of the land mentioned in the writ, according to the nature of the land, whether meadow, arable, pasture or woodland, being a part of the land mentioned in the writ, and having always due regard to the nature and character of the buildings and erections on such land;

To ascertain improvements, etc.;

(b) To ascertain and determine what permanent improvements have been made upon the land since the death of the plaintiff's husband, or since he alienated the same to a purchaser for value, and if it can be done they shall award the dower out of such part of the land as does not

not embrace or contain such permanent improvements; but if that cannot be done, they shall deduct either in quantity or value from the portion to be by them allotted or assigned to the plaintiff in proportion to the benefit she may or will derive from the assignment to her as part of her dower of any part of such permanent improvements.

(2) If from peculiar circumstances, such as there being a mill or manufactory upon the land, the Commissioners cannot make a fair and just assignment of dower by metes and bounds, they shall assess a yearly sum of money, being as near as may be one-third of the clear yearly rents of the premises, after deducting any rates or assessments payable thereon, and in assessing such yearly sum they shall make allowances and deductions for permanent improvements, as above provided for, and in their report to the Sheriff they shall state the amount of such yearly sum and set forth all the evidence taken by them in relation to the same.

and, where they cannot assign bounds, etc., to assess a yearly sum.

(3) The evidence shall be taken upon oath, which oath any one of the Commissioners is hereby authorized to administer and shall be reduced to writing and subscribed by the witness.

Evidence on oath.

(4) Such yearly sum shall be a lien upon the land mentioned in the writ or upon such specific portion thereof as the Commissioners may direct, and the same shall be recoverable by distress as for rent or by action against the tenant of the freehold for the time being.

Such sum to be a lien on lands, unless otherwise directed.

(5) The report of the Commissioners shall be in writing, subscribed by them and directed to the Sheriff, and shall contain a full statement of their proceedings, and where the dower is assigned by metes and bounds, shall distinctly point out and describe the same, and the posts, stones or other monuments designating the boundaries, and for the purpose of planting and marking the posts, stones or monuments, the Commissioners may, if necessary, employ chain-bearers and labourers. R.S.O. 1897, c. 67, s. 9.

Report of Commissioners

30. The Sheriff may, in his discretion, upon the request of the Commissioners, enlarge the time for making their report for not more than ten days, and he shall, within twenty-four hours after the receipt thereof, endorse thereon the day and hour of the receipt, and he shall then forthwith return the writ, together with the report and all papers annexed thereto, to the office wherein the action was commenced. R.S.O. 1897, c. 67, s. 10.

Sheriff may enlarge time for report.

Return of writ with report.

Either party  
may appeal  
from report.

31.—(1) Either party, within a month from the filing of the Sheriff's return to the writ, or within such further time as the Court or a Judge may allow, may appeal from the report of the Commissioners to a Judge in Court, upon grounds apparent on the report and papers filed therewith, or may apply to set aside the same, upon other grounds verified by affidavit, and set forth in the notice served.

Order of Court  
thereon.

(2) The Judge may vary or amend the report, or refer the same back to the Commissioners for amendment in whole or in part, with such directions as to law or fact as he may deem proper, or he may confirm or set aside the report and may appoint three new Commissioners or direct that the Sheriff shall do so, and the new Commissioners shall have the same powers and perform the same duties as hereinbefore expressed, and the report of the new Commissioners shall be treated as if no other report had been made, and shall be dealt with and proceeded upon accordingly. R.S.O. 1897, c. 67, s. 11.

Effect of  
report being  
appealed from  
for miscon-  
duct, etc.

(3) If the report is moved against upon the ground of misconduct or fraud on the part of the Commissioners, the Judge may direct that they be added as parties to the proceeding and if wilful misconduct or fraud be established, the report may be set aside and the Commissioners may be adjudged to pay to the parties injured all the costs which have been incurred in respect of proceedings rendered useless by such misconduct or fraud, and all the costs of the proceeding to set aside the report. R.S.O. 1897, c. 67, s. 12.

Costs of  
appeal.

(4) The appeal or application may be dismissed with or without costs, and the Court may order the party at whose instance, or on whose complaint the Commissioners may have been made parties to pay the Commissioners their costs.

Copy of report  
when final to  
be registered.

(5) If the appeal or application is dismissed, or if the report is not appealed from or moved against within the proper time, the report shall thenceforth be final and conclusive on all parties to the action of dower, and a copy of the report, certified by the Registrar under the seal of the Court, may be registered in the proper registry office. R.S.O. 1897, c. 67, s. 13.

Plaintiff may  
after registra-  
tion sue out  
writ of posses-  
sion.

32. After such registration the plaintiff shall be entitled to sue out a writ directed to the proper Sheriff, commanding him to put her into possession of the land assigned to her for her dower, and to levy all such costs as have been awarded to her against the defendant. R.S.O. 1897, c. 67, s. 14.

Commissioners  
fees.

33. The Commissioners shall each be entitled to receive from the plaintiff the sum of \$5 for each day's attendance,  
not

not exceeding two, and the sum of twenty cents for every hundred words for drawing up their report, and may also charge ten cents for every hundred words of each copy furnished by them to either party. R.S.O. 1897, c. 67, s. 16.

34. The plaintiff shall pay the costs of suing out, and the costs of the Commissioners in executing the writ of assignment of dower, and making their report, but each party shall pay his own costs of witnesses, and of his counsel or solicitor attending before the Commissioners. R.S.O. 1897, c. 67, s. 17.

35. The following Acts, parts of Acts and all amendments thereto are repealed:—

- (a) Chapter 67 of the Revised Statutes of Ontario, 1897;
- (b) Chapter 164 of the said Revised Statutes, except section 6;
- (c) Section 1 of Chapter 322 of the said Revised Statutes;
- (d) Sections 6, 7 and 9 of Chapter 330 of the said Revised Statutes;
- (e) Section 20 of the Act passed in the 2nd year of His Majesty's Reign, Chaptered 12; and,
- (f) Section 602 of *The Consolidated Municipal Act, 1903.*

FORM 1.

(Section 15.)

CERTIFICATE OF MEDICAL PRACTITIONER.

I, the undersigned, a legally qualified Medical Practitioner, Gaol Surgeon of the Gaol of the County (or District) of (or as the case may be) residing and practising at in the County (or District) of do hereby certify that on the day of 19, at in the County (or District) of I separately from any other Medical Practitioner, personally examined A.B. of the Township of in the County (or District) of wife of C.B., of the Township of in the County (or District) of and I further certify that the said A.B. is insane and that I have formed this opinion upon the following grounds, namely: (*here state the facts upon which the Certificate is based*).

Signed this  
19, at

day of  
in the County of

Witness

R.S.O. 1897, c. 164, Form A.  
FORM

## FORM 2.

(Section 15.)

## CERTIFICATE OF JUDGE.

Province of Ontario,  
County (or District) of

}

I, the undersigned, *E.F.*,  
Judge of the County (or District) Court of the County (or District)  
of do hereby certify that on the  
day of 19 , I personally examined *A.B.*, of the  
of in the County (or District)  
of wife of *C.B.*, of the of in the County  
(or District) of and that from such personal examination  
(and from the evidence of *G.H.* and *J.K.* adduced before me, *if evi-*  
*dence has been taken*) I am of opinion that the said *A.B.* is insane.  
Signed this day of 19 , at  
in the County (or District) of

R.S.O. 1897, c. 164, Form B.

## CHAPTER 40.

## An Act respecting Actions for Libel and Slander.

*Assented to 13th April, 1909.***SHORT TITLE, s. 1.**

INTERPRETATION, ss. 2, 10 (5).

**LIBEL AND SLANDER.**

Averments in actions for libel or slander, s. 3.

Apology may be shewn in mitigation of damages, s. 4.

**LIBEL.**

Whether a publication amounts to a libel, a question for the jury, s. 5.

Consolidation of actions, s. 6.

**NEWSPAPER LIBEL.**

Plea of publication without malice or gross negligence with an apology, s. 7.

Action not to lie until notice given, s. 8.

Payment into Court by way of amends, s. 9.

Privileged reports, ss. 10, 11.

Security for costs, s. 12.

Order of judge respecting security final, s. 12 (4).

Place of trial, s. 13.

Limitations of actions, s. 14.

Publication of name and address of publisher, s. 15.

Service of notice of action and writ, s. 16.

Damages recovered in other action may be proved in mitigation, s. 17.

Application of certain sections to newspapers published in Ontario, s. 18.

**SLANDER OF WOMEN.**

Special damages need not be proved in certain slanders of women, s. 19.

COMMENCEMENT OF ACT, s. 20.

REPEAL, s. 21.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Libel and Slander* Short title. Act."

2. In this Act "newspaper" shall mean a paper containing public news, intelligence, or occurrences, or remarks or observations thereon, printed for sale and published periodically, or in parts or numbers, at intervals not exceeding thirty-one days between the publication of "Newspaper." any two of such papers, parts or numbers, and shall include a paper printed in order to be made public weekly or oftener, or at intervals not exceeding thirty-one days, and containing only, or principally, advertisements. R.S.O. 1897, c. 68, s. 1; 6 Edw. VII. c. 22, s. 1.

## LIBEL AND SLANDER.

Averments in actions for libel or slander.

3. In an action for libel or slander, the plaintiff may aver that the words or matter complained of were used in a defamatory sense, specifying the defamatory sense without any prefatory averment to shew how the words or matter were used in that sense, and the averment shall be put in issue by the denial of the alleged libel or slander; and where the words or matter set forth, with or without the alleged meaning, shew a cause of action, the statement of claim shall be sufficient. R.S.O. 1897, c. 68, s. 3.

Defendant may prove in mitigation that he offered a written or printed apology.

4. In an action for libel or slander where the defendant has pleaded a denial of the alleged libel or slander only, or has suffered judgment by default, or judgment has been given against him on motion for judgment on the pleadings, he may give in evidence, in mitigation of damages, that he made or offered a written or printed apology to the plaintiff for such libel or slander before the commencement of the action; or, if the action was commenced before there was an opportunity of making or offering such apology, that he did so as soon afterwards as he had an opportunity. R.S.O. 1897, c. 68, s. 4.

## LIBEL.

Jury not to be directed to return a verdict of guilty on the mere proof of the publication and of the sense ascribed.

5. On the trial of an action for libel the jury may give a general verdict upon the whole matter in issue in the action, and shall not be required or directed to find for the plaintiff, merely on proof of publication by the defendant of the alleged libel, and of the sense ascribed to it in the action; but the Court shall, according to its discretion, give its opinion and directions to the jury on the matter in issue as in other cases; and the jury may on such issue find a special verdict, if they think fit so to do, and the proceedings after verdict, whether general or special, shall be the same as in other cases. R.S.O. 1897, c. 68, s. 2.

Consolidation of different actions for same libel.

6.—(1) The Court or a Judge upon an application by two or more defendants, in any two or more actions for the same or substantially the same libel or for a libel or libels contained in articles the same or substantially the same published in different newspapers, brought by one and the same person, may make an order for the consolidation of such actions so that they shall be tried together; and after such order has been made, and before the trial of such actions, the defendants in any new actions instituted in respect to any such libel or libels shall also be entitled to be joined in a common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated.

How damages assessed and costs apportioned in such cases.

(2) In a consolidated action under this section the jury shall assess the whole amount of the damages, if any, in one sum, but a separate verdict shall be taken for or against



against each defendant in the same way as if the actions consolidated had been tried separately; and if the jury find a verdict against the defendant or defendants in more than one of the actions so consolidated they shall apportion the amount of the damages between and against such last mentioned defendants; and the Judge at the trial, in the event of the plaintiff being awarded the costs of the action, shall thereupon make such order as he shall deem just for the apportionment of the costs between and against such defendants. R.S.O. 1897, c. 68, s. 14.

(3) For the purposes of this section "article" shall include anything appearing in a newspaper as an editorial or as correspondence or otherwise than as an advertisement.

#### NEWSPAPER LIBEL.

7. In an action for libel contained in a newspaper, the defendant may plead in mitigation of damages that the libel was inserted therein without actual malice and without gross negligence, and that before the commencement of the action, or at the earliest opportunity afterwards, he inserted in such newspaper a full apology for the libel; or if the newspaper in which the libel appeared is one ordinarily published at intervals exceeding one week, that he offered to publish the apology in any newspaper to be selected by the plaintiff. R.S.O. 1897, c. 68, s. 6 (1).

Defendant may plead that the libel was inserted without malice or gross negligence, and that he published or offered to publish an apology.

8.—(1) No action for libel contained in a newspaper shall lie unless the plaintiff has within six weeks after the publication thereof has come to his notice or knowledge given to the defendant notice in writing, specifying the statement complained of, which shall be served in the same manner as a statement of claim or by delivering the notice to a grown up person at the place of business of the defendant.

Action not to lie till notice given.

(2) The plaintiff shall recover only actual damages if it appears on the trial

- (a) That the alleged libel was published in good faith,
- (b) That there was reasonable ground to believe that the publication thereof was for the public benefit,
- (c) That it did not involve a criminal charge,
- (d) That the publication took place in mistake or misapprehension of the facts, and,
- (e) That a full and fair retraction of any statement therein alleged to be erroneous was published either in the next regular issue of the newspaper,

or

or in any regular issue thereof published within three days after the receipt of such notice, and was so published in as conspicuous a place and type as was the alleged libel. R.S.O. 1897, c. 68, s. 6 (2).

Section not to apply to certain cases.

(3) The provisions of this section shall not apply to the case of a libel against any candidate for public office in Ontario, unless the retraction of the charge is made editorially in a conspicuous manner, at least five days before the election. R.S.O. 1897, c. 68, s. 6 (3).

And may pay money into Court as amends.

9. A defendant may pay into Court with his defence, a sum of money by way of amends for the injury sustained by the publication of any libel to which the two next preceding sections apply, and, except so far as regards the additional facts hereinbefore required to be pleaded by a defendant, such payment shall have the same effect as payment into Court in other cases. R.S.O. 1897, c. 68, s. 7.

Reports of proceedings, public meetings, etc.

10.—(1) A fair and accurate report published in a newspaper of any proceedings in the Senate or House of Commons of Canada, in any Legislative Assembly of any of the Provinces of Canada, or in any Committee of any of such bodies or of a Public Meeting, or (except where neither the public nor any newspaper reporter is admitted) of any meeting of a Municipal Council, School Board, Board of Education, Provincial Board of Health, Medical Health Board, or of any other board or local authority formed or constituted under any of the provisions of any Public Act of any Legislative Assembly of any of the Provinces of Canada or of the Parliament of Canada, or of any Committee appointed by any of the above-mentioned bodies, and the publication of the whole, or a portion or a fair synopsis, of any report, bulletin, notice or other document, issued for the information of the public from any Government Office or Department, or by any Provincial Board of Health, Medical Health Board, or Medical Health Officer, or the publication, at the request of any Government or Municipal Official, Commissioner of Police, or Chief Constable, of any notice or report issued by him for the information of the public, shall be privileged, unless it shall be proved that such publication was made maliciously.

Blasphemous or indecent matter.

(2) Nothing in this section shall authorize the publication of any blasphemous, seditious or indecent matter.

When defendant refuses to publish explanation.

(3) The protection intended to be afforded by this section shall not be available as a defence in any proceeding if the plaintiff shows that the defendant has refused to insert in the newspaper making such publication a reasonable letter or statement of explanation or contradiction by or on behalf of the plaintiff.

(4) Nothing in this section shall limit or abridge any privilege now by law existing, or protect the publication of any matter not of public concern or the publication of which is not for the public benefit. 6 Edw. VII. c. 22, s. 2.

Proviso saving matters of public concern.

(5) For the purposes of this section "public meeting" shall mean a meeting *bona fide* and lawfully held for a lawful purpose and for the furtherance of discussion of any matter of public concern whether the admission thereto be general or restricted. (*See* 51-52 Vict. c. 64, s. 4, Imp., *part.*)

Meaning of "public meeting."

11.—(1) A fair and accurate report without comment in a newspaper of proceedings publicly heard before a Court of Justice if published contemporaneously with such proceedings shall be absolutely privileged, unless the defendant has refused or neglected to insert in the newspaper in which the report complained of appeared a reasonable letter or statement of explanation or contradiction by or on behalf of the plaintiff. R.S.O. 1897, c. 68, s. 9.

Report of proceedings in Courts privileged.

(2) Nothing in this section shall authorize the publication of any blasphemous, seditious or indecent matter. (*See* 51-52 Vict. c. 64, s. 4, Imp., *part.*)

Publication of improper matter not authorized.

12.—(1) In an action for libel contained in a newspaper, the defendant may, at any time after the delivery of the statement of claim, or the expiry of the time within which it should have been delivered, apply to the Court or a Judge for security for costs, upon notice and an affidavit by the defendant or his agent, shewing the nature of the action and of the defence, that the plaintiff is not possessed of property sufficient to answer the costs of the action in case a judgment is given in favour of the defendant, that the defendant has a good defence upon the merits, and that the statements complained of were published in good faith, or that the grounds of action are trivial or frivolous; and the Court or Judge may make an order that the plaintiff shall give security for costs, which shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario, and the order shall be a stay of proceedings until the security is given.

Security for costs.

(2) Where the alleged libel involves a criminal charge the defendant shall not be entitled to security for costs under this Act, unless he satisfies the Court or Judge that the action is trivial or frivolous, or that the circumstances which under section 8 entitle the defendant at the trial to have the damages restricted to actual damages appear to exist, except the circumstance that the article complained of involves a criminal charge.

Where libel involves a criminal charge.

(3) For the purposes of this section the plaintiff or the defendant or their agents may be examined upon oath at any

Examination of plaintiff.

any time after the delivery of the statement of claim.  
R.S.O. 1897, c. 68, s. 10.

When order of  
Judge respect-  
ing security  
final.

(4) An order made under this section by a Judge of the High Court shall be final and shall not be subject to appeal, but where the order is made by a Local Judge an appeal therefrom shall lie to a Judge of the High Court sitting in Chambers, whose order shall be final and shall not be subject to appeal. R.S.O. 1897, c. 68, s. 15.

Place of trial.

13. An action for libel contained in a newspaper shall be tried in the county where the chief office of such newspaper is, or in the county wherein the plaintiff resides at the time the action is brought; but upon the application of either party the Court or a Judge may direct the action to be tried or the damages to be assessed in any other county if it appears to be in the interests of justice, or that it will promote a fair trial, and may impose such terms as to the payment of witness fees, and otherwise as may seem proper. R.S.O. 1897, c. 68, s. 11.

Time within  
which action  
must be  
brought.

14. An action for libel contained in a newspaper shall be commenced within three months after the publication thereof has come to the notice or knowledge of the person defamed; but where an action is brought and is maintainable for a libel published within that period the same may include a claim for any other libel published against the plaintiff by the defendant in the same newspaper within a period of one year before the commencement of the action. R.S.O. 1897, c. 68, s. 13.

Publication of  
name of  
publisher and  
address.

15.—(1) No defendant shall be entitled to the benefit of sections 8 and 14 of this Act unless the name of the proprietor and publisher and address of publication is stated either at the head of the editorials or on the front page of the newspaper.

Copy of news-  
paper to be  
*prima facie*  
evidence.

(2) The production of a printed copy of a newspaper shall be *prima facie* evidence of the publication of the said printed copy, and of the truth of the statements mentioned in subsection 1.

Service of  
notices.

16. Service of any notice under this Act and of the writ of summons may be made upon the proprietor or publisher of the newspaper by serving the same upon any grown up person at such address.

Evidence in  
mitigation of  
damages.

17. In an action for libel contained in a newspaper, the defendant may prove in mitigation of damages that the plaintiff has already brought actions for, or has recovered damages, or has received or agreed to receive compensation in respect of a libel or libels to the same purport or effect as  
that

that for which such action is brought. R.S.O. 1897, c. 68, s. 16.

18. Subsection 1 of section 8 and section 14 shall only apply to newspapers printed and published in Ontario.

Sec. 8, subs. 1 and s. 14 only applicable to newspapers published in Ontario.

#### SLANDER OF WOMEN.

19.—(1) In an action for slander for defamatory words spoken of a woman imputing unchastity or adultery, it shall not be necessary to allege in the plaintiff's statement of claim, or to prove that special damage resulted to the plaintiff from the utterance of such words, and the plaintiff may recover nominal damages without averment or proof of special damage, but shall not be entitled to recover more than nominal damages unless special damage is proved.

Proof of special damage not required in certain cases.

(2) The defendant may, at any time after the delivery of the statement of claim, apply to the Court or a Judge for security for costs, upon notice and an affidavit shewing the nature of the action and that the plaintiff is not possessed of property sufficient to answer the costs of the action if a verdict or judgment is given in favour of the defendant, and that the defendant has a good defence on the merits, or that the grounds of action are trivial or frivolous; and the Court or Judge may make an order that the plaintiff shall give security for the costs, which shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario, and the order shall be a stay of proceedings until the security is given.

Security for costs.

(3) For the purposes of subsection 2 the plaintiff or the defendant may be examined upon oath at any time after the delivery of the statement of claim. R.S.O. 1897, c. 68, s. 5.

Examination of parties.

#### GENERAL.

20. This Act shall come into force on the 1st day of September, 1909.

Commencement of Act.

21. Chapter 68 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed.

Repeal.

## CHAPTER 41.

## An Act respecting the Action for Seduction.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Seduction Act.*"

When action  
maintainable  
by father or  
mother.

2. The father or, in case of his death, the mother (whether she remains a widow or has married again) of an unmarried female who has been seduced, and for whose seduction the father or mother could maintain an action if such unmarried female was at the time dwelling under his or her protection, may maintain an action for the seduction, notwithstanding that such unmarried female was, at the time of her seduction serving or residing with another person, upon hire or otherwise. R.S.O. 1897, c. 69, s. 1.

Proof of service  
dispensed  
with.

3. Upon the trial of an action for seduction brought by the father or mother, it shall not be necessary to prove any act of service performed by the person seduced, but the same shall in all cases be presumed, and no evidence shall be received to the contrary; but if the father or mother of the person seduced had, before the seduction, abandoned her, and refused to provide for and retain her as an inmate of his or her home, then any other person who might at common law have maintained an action for the seduction may maintain such action. R.S.O. 1897, c. 69, s. 2.

When action  
maintainable  
by master, etc.

4. Any person, other than the father or mother, who by reason of the relation of master, or otherwise, would have been entitled at common law to maintain an action for the seduction of an unmarried female, may still maintain such action, if the father or mother be not resident in Ontario at the time of the birth of the child which is born in consequence of the seduction, or being resident therein  
does

Where father  
or mother not  
resident in  
Ontario.

does not bring an action for the seduction within six months from the birth of the child. R.S.O. 1897, c. 69, s. 3.

5. If the father and mother of an unmarried female who has been seduced are both dead, and such unmarried female is under the age of twenty-one, any person who, at the time of the birth of the child which is born in consequence of the seduction was the legal guardian of, or stood *in loco parentis* to such unmarried female may maintain an action for the seduction, notwithstanding that such unmarried female was, at the time of her seduction, serving or residing with another person, upon hire or otherwise. 62 V. (2) c. 13.

Who may  
maintain  
action where  
parents of  
woman  
seduced are  
dead, besides  
employer.

6. Chapter 69 of the Revised Statutes of Ontario, 1897, Repeal. and all amendments thereto are hereby repealed.

## CHAPTER 42.

An Act respecting the Administration by the Crown  
of Estates of Intestates.*Assented to 13th April, 1909.*

## SHORT TITLE, s. 1.

APPLICATION BY THE ATTORNEY-GENERAL FOR ADMINISTRATION WHERE THE CROWN IS INTERESTED, s. 2.

APPLICATION IN CASES WHERE AN INTESTATE LEAVES NO KNOWN RELATIVES IN THE PROVINCE, s. 3.

RIGHTS, ETC., OF ATTORNEY-GENERAL TO VEST IN HIS SUCCESSORS, s. 4.

SECURITY DISPENSED WITH, s. 5.

POWER OF ADMINISTRATOR TO SELL REAL ESTATE, s. 6.

RIGHTS OF RELATIVES AFTER ISSUE OF ADMINISTRATION, s. 7.

INQUIRIES AS TO THE RIGHTS OF THE CROWN WHERE ADMINIS-

TRATION GRANTED TO ATTORNEY-GENERAL, s. 8.

RECOVERY OF REAL ESTATE, s. 9.

RIGHT OF ATTORNEY-GENERAL TO INTERVENE WHERE ADMINISTRATION GRANTED TO STRANGERS, s. 10.

DISPOSITION OF MONEYS RECEIVED BY THE ATTORNEY-GENERAL, s. 11.

INTEREST ALLOWABLE TO PERSONS ENTITLED TO MONEYS, s. 12.

RIGHTS OF PERSONS HAVING CLAIMS ON THE ESTATE, s. 13.

ATTORNEY-GENERAL MAY RETAIN DISBURSEMENTS MADE IN RESPECT OF INQUIRIES, s. 14.

DISTRIBUTION OF ASSETS BY ATTORNEY-GENERAL, s. 15.

REPEAL, s. 16.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Crown Administration of Estates Act.*"

Administration may issue to the Attorney-General in cases where nominee of the Crown entitled to administer.

2. Where the Lieutenant-Governor, by a warrant under his privy seal, directs the Attorney-General for Ontario to obtain letters of administration general or limited of the estate of any person dying intestate, or intestate as to some part of his estate, where, in respect of the interest of His Majesty, the administration may be rightfully granted to His nominee, any competent Court, upon application, in pursuance of the warrant, may grant administration to the Attorney-General for the use and benefit of His Majesty. R.S.O. 1897, c. 70, s. 1.



3. Where any person dies in Ontario intestate as aforesaid, and without leaving any known relative living within Ontario, or any known relative who can be readily communicated with, living elsewhere, the Lieutenant-Governor may by warrant under his privy seal direct the Attorney-General to obtain letters of administration, general or limited, of the estate of such person; and any competent Court upon application in pursuance of the warrant may grant administration to the Attorney-General for the use and benefit of His Majesty or of such persons as may ultimately appear to be entitled thereto. R.S.O. 1897, c. 70, s. 2.

Attorney-General may obtain letters of administration where intestate leaves no known relatives within the Province, etc.

4. The administration so granted, and the office of administrator under the grant, with all the estates, rights, duties and liabilities of such administrator, shall, upon the death, resignation, or removal of the Attorney-General for the time being, devolve upon and become vested and continue in the succeeding Attorney-General, by virtue of his appointment, and so in perpetual succession, without any further grant of administration or any assignment or transfer of the estates of the administrator; and all actions, and other proceedings by or against the Attorney-General for the time being, as such administrator at the time of his death, resignation, or removal, shall continue, and may be proceeded with, by, in favour of, and against the succeeding Attorney-General; saving always, the effect of every limitation in duration or otherwise under the terms of the grant of such administration, and saving to every Court having jurisdiction in this behalf all such right and authority to revoke or repeal such administration as the Court would have had during the continuance of a like administration granted to a nominee of His Majesty if this Act had not been passed. R.S.O. 1897, c. 70, s. 3.

Rights and liabilities of the Attorney-General as administrator to vest in his successors.

Power to revoke administration.

5. It shall not be necessary for the Attorney-General to give security for the due administration of the estate, but he shall have all the rights and powers of and be subject to all the liabilities and duties imposed on an administrator. R.S.O. 1897, c. 70, s. 4.

Security for due administration dispensed with.

Liability of Attorney-General.

6. Where administration is granted to the Attorney-General, the Lieutenant-Governor in Council may direct the sale, by auction or private sale, of any real estate or interest therein in Ontario to which the intestate died entitled; and the Attorney-General shall thereupon be authorized to sell in accordance with the directions of the Order in Council the whole, or any part of such real estate or interest, and to convey the same to the purchaser; and every conveyance by the Attorney-General shall be as valid and effectual as if the deceased were alive at the time

Power to sell the real estate of the intestate.

of

of the making thereof, and had executed the same. R.S.O. 1897, c. 70, s. 5.

Rights of relations after the issue of administration.

7. Where subsequently to the grant of administration it is alleged or ascertained that the deceased has relatives or did not die intestate, the Attorney-General, subject to the direction of the Lieutenant-Governor in Council, may exercise all or any of the powers by this Act conferred until some person is appointed by a Court of competent jurisdiction to deal with the estate of the deceased; and notwithstanding such appointment, any sale made in pursuance of this Act may be completed by the execution by the Attorney-General of a conveyance; and until the revocation of the letters granted, the Attorney-General may exercise fully all the powers vested in him as administrator. R.S.O. 1897, c. 70, s. 6.

Inquiry as to the rights of His Majesty.

8. Where administration is granted under the provisions of this Act, the Attorney-General may apply to the High Court for an order for the making of such inquiries as may be necessary to determine whether or not His Majesty is entitled to any portion of the estate of the deceased by reason of the deceased having died intestate and without heirs or next of kin, or otherwise; and any judgment pronounced upon such inquiry shall, unless reversed on appeal, be final and conclusive. R.S.O. 1897, c. 70, s. 7.

Recovery by Crown of real estate of persons dying intestate and without heirs.

9. Where a person dies in possession of or entitled to real estate in Ontario intestate as to such real estate without any known heirs the Attorney-General without obtaining letters of administration may bring an action, either in his own name, on behalf of His Majesty, or in the name of His Majesty, to recover possession of such real estate and shall be entitled to judgment and to recover possession, unless the person claiming adversely shews that the deceased did not die intestate as to such real estate, or that he left heirs, or that he or some other person is entitled to such real estate. R.S.O. 1897, c. 70, s. 8.

Application Attorney-General to compel an account by administrator in certain cases.

10. Where a person has died or dies intestate in Ontario and administration has been or may be hereafter granted to some person not one of the next of kin, and it is doubtful whether the intestate left any next of kin him surviving, or there are no known next of kin resident in Ontario, the Attorney-General may apply to the High Court for an order requiring the administrator to account for his dealings with the estate, and may question in such proceedings the validity of any release or settlement with any alleged next of kin, and any competent Court may revoke such administration, and grant administration to the Attorney-General. R.S.O. 1897, c. 70, s. 9.

11. Moneys realized from estates to which the Attorney-General is administrator under this Act or which he has recovered under section 9, shall be kept in a separate account in such bank or invested in such manner as the Lieutenant-Governor in Council may appoint, and all such moneys which have been unclaimed for ten years shall be paid into the Consolidated Revenue Fund. R.S.O. 1897, c. 70, s. 10.

Disposition of moneys.

12. Any person proving title to such moneys shall be entitled to receive the same with interest at such rate as the Lieutenant-Governor in Council may direct. R.S.O. 1897, c. 70, s. 11.

Interest allowable to person entitled to moneys.

13. Any person claiming to be entitled to any such estate or to any interest therein or to any part of the proceeds thereof, may apply to the High Court for a judgment or order declaring his rights in respect thereto; and the Court may direct such inquiries as may be necessary to determine the same, and may finally adjudicate thereon; but no application under this section shall be entertained unless security for costs is given by the applicant if the Attorney-General demands the same. R.S.O. 1897, c. 70, s. 12.

Rights of persons having claims upon the estate.

14. The Attorney-General may deduct from the moneys received on account of any estate all disbursements made by him in respect to inquiries which he may have made before taking out letters of administration, as well as disbursements otherwise made by him in respect to the estate. R.S.O. 1897, c. 70, s. 13.

Attorney-General may retain disbursements made in respect of inquiries.

15.—(1) After having given the notice provided for by *The Trustee Act*, and notwithstanding that the ten years limited by section 11 of this Act have not elapsed, the Attorney-General may pay any money remaining in his hands unclaimed into the Consolidated Revenue Fund or may pay the same or any part thereof, or assign any personal property remaining in his hands, in accordance with any direction of the Lieutenant-Governor in Council, made under section 6 of *The Escheats Act*. R.S.O. 1897, c. 70, s. 15.

Distribution of assets by Attorney-General after notice.

(2) In such case no claim shall be maintained against His Majesty or this Province, in respect of any moneys or personal property paid over or assigned to any person under section 6 of *The Escheats Act*, or under this Act; but this shall not prejudice the right of a creditor or claimant to follow such moneys, property or proceeds into the hands of the person who may have received the same under the authority of an Order in Council. R.S.O. 1897, c. 70, s. 16.

His Majesty and the Province not liable where property transferred but right to follow property affected.

16. Chapter 70 of the Revised Statutes of Ontario, 1897, Repeal. and all amendments thereto are repealed.  
(See also *The Escheats Act*, cap. 57.)

9 Edw. VII, c. 57.

## CHAPTER 43.

## An Act respecting Witnesses and Evidence.

*Assented to 13th April, 1909.*

- SHORT TITLE, s. 1.  
 INTERPRETATION, s. 2.  
 APPLICATION OF ACT, s. 3.  
 COMPETENCY OF WITNESSES :  
   Crime or interest, ss. 4, 5.  
   Husband and wife, ss. 6, 8, 9.  
 EVIDENCE OF PARTIES, s. 6.  
   Experts, s. 10.  
   Criminating questions, s. 7.  
 CORROBORATIVE EVIDENCE :  
   In actions for breach of promise, s. 11.  
   In cases against representatives of deceased persons, s. 12.  
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 ATTENDANCE OF WITNESSES :  
   Witness disobeying subpoena liable to action for damages, s. 16.  
 EXAMINATION OF WITNESSES :  
   Proof of previous contradictory statements in writing, s. 17.  
   Proof of previous contradictory oral statements, s. 18.  
   Proof of previous conviction, s. 19.  
   Discrediting a party's own witness, s. 20.  
 STATUTES, PUBLIC DOCUMENTS, ETC., AS EVIDENCE :  
   Evidence of Letters Patent, s. 21.  
   Statutes, proclamations, etc., ss. 22-24.  
   Official documents, ss. 25-29  
   Signatures of Judges, etc., s. 30, 31.  
   Foreign Judgments, s. 32.  
   Notarial documents made in Quebec, ss. 33, 34.  
   Protests of Bills and Notes, ss. 35, 36.  
   Sheriff's Conveyance on Division Court judgment, s. 37.  
   Affidavits made out of Ontario, ss. 38, 39.  
   Formal defects in Affidavits, s. 40.  
   Depositions, s. 41.  
   Wills, ss. 42-44.  
   Registered instruments, ss. 45-48.  
   Other written instruments, s. 49.  
   Compelling attendance of witnesses for purpose of foreign commission, s. 50.  
 WHEN PROOF BY ATTESTING WITNESSES UNNECESSARY, s. 51.  
 COMPARISON OF HANDWRITING, s. 52.  
 IMPOUNDING INSTRUMENTS OFFERED IN EVIDENCE, s. 53.  
 CERTAIN EVIDENCE BETWEEN VENDOR AND PURCHASER DISPENSED WITH, s. 54.  
 REPEAL, s. 55.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Evidence Act.*" Short title.  
R.S.O. 1897, c. 73, s. 1.

#### INTERPRETATION.

2. In this Act,—

(a) "Court" shall include a Judge, Arbitrator, Umpire, Interpretation "Court." Commissioner, Police Magistrate, Justice of the Peace or other officer or person having by law or by the consent of parties authority to hear, receive and examine evidence.

(b) "Action" shall include an issue, matter, arbitration, reference, investigation, inquiry, a prosecution for an offence committed against a Statute of Ontario or against a by-law or regulation made under the authority of any such Statute and any other proceeding authorized or permitted to be tried, heard, had or taken by or before a Court under the law of Ontario. (*New.*) "Action."

#### APPLICATION OF ACT.

3. This Act shall extend and apply to the evidence offered or taken orally or by interrogatories or affidavits or by the production of documents or things or otherwise by or before a Court in an action. (*New.*) Application of Act.

#### COMPETENCY OF WITNESSES.

4. No person offered as a witness in an action shall be excluded by reason of any alleged incapacity from crime or interest from giving evidence. R.S.O. 1897, c. 73, s. 2. Witnesses not to be incapacitated by crime or interest.

5. Every person offered as a witness shall be admitted to give evidence notwithstanding that he has an interest in the matter in question or in the event of the action, and notwithstanding that he has been previously convicted of a crime or offence. R.S.O. 1897, c. 73, s. 3. Such persons admitted to give evidence.

6. The parties to an action, and the persons on whose behalf the same is brought, instituted, opposed or defended shall, except as hereinafter otherwise provided, be competent and compellable to give evidence, on behalf of themselves or of any of the parties; and the husbands and wives of such parties and persons shall, except as hereinafter otherwise provided, be competent and compellable to give evidence on behalf of any of the parties. R.S.O. 1897, c. 73, s. 4. Evidence of parties.  
  
Evidence of husband and wife.

Witness not excused from answering questions tending to criminate.

7.—(1) A witness shall not be excused from answering any question upon the ground that the answer may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person or to a prosecution under any Act of the Legislature of Ontario.

Answer not to be used in evidence against him.

(2) If with respect to any question a witness objects to answer upon any of the grounds mentioned in subsection 1, and if, but for this section or any Act of the Parliament of Canada, he would therefore have been excused from answering such question, then, although the witness is by reason of this section or by reason of any Act of the Parliament of Canada compelled to answer, the answer so given shall not be used or receivable in evidence against him in any civil proceeding or in any proceeding under any Act of the Legislature of Ontario. 4 Edw. VII. c. 10, s. 21.

Evidence in proceedings in consequence of adultery.

8. The parties to an action or proceeding instituted in consequence of adultery, and their husbands and wives shall be competent but not compellable to give evidence but the husband or wife, if competent only under this Act, shall not be asked or bound to answer any question tending to shew that he or she has been guilty of adultery, unless he or she shall have already given evidence in the same action or proceeding in disproof of his or her alleged adultery. R.S.O. 1897, c. 73, s. 7.

Communications made during marriage.

9. A husband shall not be compellable to disclose any communication made to him by his wife during the marriage, nor shall a wife be compellable to disclose any communication made to her by her husband during the marriage. R.S.O. 1897, c. 73, s. 8.

#### EXPERT EVIDENCE.

Limit of number of expert witnesses in action, etc.

10. Where it is intended by any party to examine as witnesses persons entitled according to the law or practice to give opinion evidence not more than three of such witnesses may be called upon either side without the leave of the Judge or other person presiding, to be applied for before the examination of any of such witnesses. 2 Edw. VII. c. 15, s. 1.

#### CORROBORATIVE EVIDENCE.

Evidence in actions for breach of promise.

11. The plaintiff in an action for breach of promise of marriage shall not recover unless his or her testimony is corroborated by some other material evidence in support of the promise. R.S.O. 1897, c. 73, s. 6.

12. In an action by or against the heirs, next of kin, executors, administrators or assigns of a deceased person, an opposite or interested party shall not obtain a verdict, judgment, or decision, on his own evidence, in respect of any matter occurring before the death of the deceased person, unless such evidence is corroborated by some other material evidence. R.S.O. 1897, c. 73, s. 10.

In actions by or against representatives of a deceased person, the evidence of the opposite party must be corroborated.

13. In an action by or against a lunatic so found or an inmate of a lunatic asylum, or a person who from unsoundness of mind is incapable of giving evidence, an opposite or interested party shall not obtain a verdict, judgment, or decision on his own evidence, unless such evidence is corroborated by some other material evidence. R.S.O. 1897, c. 73, s. 11; 63 V. c. 17, s. 13.

In actions by or against lunatics, etc., evidence of opposite party to be corroborated.

#### OATHS AND AFFIRMATIONS.

14. Where an oath may lawfully be administered to any person as a witness or as a deponent in an action or on appointment to any office or employment or on any occasion whatever, such person shall be bound by the oath administered, if the same shall have been administered in such form and with such ceremonies as such person may declare to be binding. *See* Imp. Stat., 1 and 2 Vict. c. 105.

Deponent may take oath declared to be binding.

15.—(1) If a person called as a witness or required or desiring to give evidence or to make an affidavit or deposition in an action or on an occasion whereon or touching a matter respecting which an oath is required or permitted, objects to take an oath or is objected to as incompetent to take an oath and if the presiding Judge or the person qualified to take affidavits or depositions is satisfied that such person objects to be sworn from conscientious scruples or on the ground of his religious belief or on the ground that the taking of an oath would have no binding effect on his conscience, such person may make an affirmation and declaration in lieu of taking an oath and such affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form. R.S.O. 1897, c. 73, ss. 13, 14, *amended*.

Certain persons may make affirmations or declarations instead of oaths.

(2) Where the evidence is in the form of an affidavit or written deposition the person before whom the same is taken shall certify that the deponent satisfied him that he was a person entitled to affirm. (*New*.)

Certificate that deponent entitled to affirm.

#### ATTENDANCE OF WITNESSES.

16. A witness served in due time with a subpoena issued from any court in Ontario, and paid his proper witness fees and conduct money, who shall make default in obeying such subpoena, without any lawful and reasonable impediment, shall in addition to any penalty he may incur as for a contempt

Witness disobeying subpoena liable to action.



tempt of court, be liable to an action on the part of the person by whom, or on whose behalf, he shall have been subpœnaed, for any damage which such person may sustain or be put to by reason of such default. 5 Eliz. c. 9, s. 6. R.S.O. 1897, c. 324, s. 13.

ISSUE OF SUBPŒNAS INTO ANY PART OF ONTARIO OR QUEBEC.

[Sections 4-11 and 13 of C. S. C. c. 79 are not consolidated in the Revised Statutes of Canada and are as follows:]

Courts may issue subpœnas to any part of Canada.

4. If in any action or suit depending in any of His Majesty's Superior Courts of Law or Equity in Canada, it appears to the Court, or when not sitting, it appears to any Judge of the Court that it is proper to compel the personal attendance at any trial or *enquête* or examination of witnesses, of any person who may not be within the jurisdiction of the Court in which the action or suit is pending, the Court or Judge, in their or his discretion, may order that a writ called a writ of *subpœna ad testificandum* or of *subpœna duces tecum* shall issue in special form, commanding such person to attend as a witness at such trial or *enquête* or examination of witnesses wherever he may be in Canada.

Service thereof in any part of Canada to be good.

5. The service of any such writ or process in any part of Canada, shall be as valid and effectual to all intents and purposes, as if the same had been served within the jurisdiction of the Court from which it has issued, according to the practice of such Court.

When not to be issued.

6. No such writ shall be issued in any case in which an action is pending for the same cause of action, in that section of the Province, whether Upper or Lower Canada respectively, within which such witness or witnesses may reside.

Writs to be specially noted.

7. Every such writ shall have at the foot, or in the margin thereof, a statement or notice that the same is issued by the special order of the Court or Judge making such order, and no such writ shall issue without such special order.

Consequences of disobedience.

8. In case any person so served does not appear according to the exigency of such writ or process, the Court out of which the same issued, may, upon proof made of the service thereof, and of such default to the satisfaction of such Court, transmit a certificate of such default, under the seal of the same Court, to any of His Majesty's Superior Courts of Law or Equity in that part of Canada in which the person so served may reside, being out of the jurisdiction of the Court transmitting such certificate, and the Court to which such certificate is sent, shall thereupon proceed against and punish such person so having made default, in like manner as they might have done if such person had neglected or refused to appear to a writ of *subpœna* or other similar process issued out of such last mentioned Court.

If expenses paid or tendered.

9. No such certificate of default shall be transmitted by any Court, nor shall any person be punished for neglect or refusal to attend any trial or *enquête* or examination of witnesses, in obedience to any such *subpœna* or other similar process, unless it be made to appear to the Court transmitting and also to the Court receiving such certificate, that a reasonable and sufficient sum of money, according to the rate *per diem* and per mile allowed to witnesses by the law and practice of the Superior Courts of Law within the jurisdiction of which such person was found, to defray the expenses of coming and attending to give evidence and of returning from giving evidence, had been tendered to such person at the time when the writ of *subpœna*, or other similar process, was served upon him



10. The service of such writs of subpoena or other similar process, in Lower Canada, shall be proved by the certificate of a Bailiff within the jurisdiction where the service has been made, under his oath of office, and such service in Upper Canada by the affidavit of service endorsed on or annexed to such writ by the person who served the same.

How service proved.

11. The costs of the attendance of any such witness shall not be taxed against the adverse party to such suit, beyond the amount that would have been allowed on a commission *rogatoire*, or to examine witnesses, unless the Court or Judge before whom such trial or *enquête* or examination of witnesses is had, so orders.

Costs of attendance provided for.

13. Nothing herein contained shall affect the power of any Court to issue a commission for the examination of witnesses out of its jurisdiction, nor affect the admissibility of any evidence at any trial or proceeding, where such evidence is now by law receivable, on the ground of any witness being beyond the jurisdiction of the Court.

Power to issue commissions to examine witnesses preserved.

#### EXAMINATION OF WITNESSES.

17. A witness may be cross-examined as to previous statements made by him in writing, or reduced into writing, relative to the matter in question, without the writing being shewn to him; but if it is intended to contradict him by the writing, his attention shall, before such contradictory proof is given, be called to those parts of the writing which are to be used for the purpose of so contradicting him; and the Judge or other person presiding at any time during the trial or proceeding may require the production of the writing for his inspection, and may thereupon make such use of it for the purposes of the trial or proceeding as he may think fit. R.S.O. 1897, c. 73, s. 17.

Proof of contradictory written statements.

18. If a witness upon cross-examination as to a former statement made by him relative to the matter in question, and inconsistent with his present testimony, does not distinctly admit that he did make such statement, proof may be given that he did in fact make it; but before such proof is given, the circumstances of the supposed statement, sufficient to designate the particular occasion, shall be mentioned to the witness, and he shall be asked whether or not he did make such statement. R.S.O. 1897, c. 73, s. 18.

Proof of contradictory oral statements.

19.—(1) A witness may be asked whether he has been convicted of any crime, and upon being so asked, if he either denies the fact or refuses to answer, the conviction may be proved: and a certificate containing the substance and effect only (omitting the formal part) of the charge and of the conviction, purporting to be signed by the officer having the custody of the records of the Court at which the offender was convicted, or by the deputy of the officer, shall, upon proof of the identity of the witness as such convict, be sufficient evidence of the conviction, without proof of the signature

Proof of previous conviction of a witness may be given if he denies it, etc.

Certificate of conviction.

ture or of the official character of the person appearing to have signed the certificate.

Fee for.

(2) For such certificate a fee of \$1 and no more may be demanded or taken. R.S.O. 1897, c. 73, s. 19.

How far a party may discredit his own witness.

20. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character but he may contradict him by other evidence, or if the witness in the opinion of the Judge or other person presiding proves adverse such party may by leave of the Judge or other person presiding prove that the witness made at some other time a statement inconsistent with his present testimony, but before such last mentioned proof is given the circumstances of the proposed statement sufficient to designate the particular occasion shall be mentioned to the witness and he shall be asked whether or not he did make such statement.

#### STATUTES AND PUBLIC DOCUMENTS.

*Statutes, Proclamations, Orders in Council, Letters Patent, etc.*

Evidence of Letters Patent

21. Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, or of any other of His Majesty's Dominions, may be proved by the production of an exemplification thereof, or of the enrolment thereof, under the Great Seal under which the same may have issued, and such exemplification shall have the like force and effect for all purposes as the letters patent thereby exemplified, as well against His Majesty as against all other persons whomsoever. 3 & 4 Ed. 6, c. 4, and 13 Eliz. c. 6; R.S.O. 1897, c. 324, s. 12.

Copies of Canadian and Provincial Statutes as evidence.

22. Copies of statutes, official gazettes, ordinances, regulations, proclamations, journals, orders, appointments to office, notices thereof and other public documents purporting to be printed by or under the authority of the Parliament of Great Britain and Ireland or of the Imperial Government or by or under the authority of the Government or of any legislative body of any Dominion, Commonwealth, State, Province, Colony, Territory or Possession within the King's dominions, shall be admitted in evidence to prove the contents thereof, R.S.O. 1897, c. 73, s. 21, *amended*.

Proclamations, Orders in Council, etc., of Government of Canada and of Provincial Governments how proved.

23. *Prima facie* evidence of a proclamation, order, regulation or appointment to office made or issued

- (a) By the Governor-General or the Governor-General in Council, or other Chief Executive Officer or Administrator of the Government of Canada, or  
(b)

- (b) By or under the authority of any Minister or Head of any Department of the Government of Canada or of a Provincial or Territorial Government in Canada, or
- (c) By a Lieutenant-Governor or Lieutenant-Governor in Council or other Chief Executive Officer or Administrator of Ontario or of any other Province or Territory in Canada.

may be given by the production of

- (a) A copy of the *Canada Gazette* or of the official Gazette for any Province or Territory purporting to contain a notice of such proclamation, order, regulation or appointment, or
- (b) A copy of such proclamation, order, regulation or appointment purporting to be printed by the King's Printer or by the Government Printer for the Province or Territory, or
- (c) A copy of or extract from such proclamation, order, regulation or appointment purporting to be certified to be a true copy by such Minister or Head of a Department or by the Clerk or assistant or acting Clerk of the Executive Council or by the Head of any Department of the Government of Canada or of a Provincial or Territorial Government or by his Deputy or acting Deputy. R.S.O. 1897, c. 73, ss. 22, 23.

24. An order in writing purporting to be signed by the Secretary of State of Canada, and to be written by command of the Governor-General, shall be received in evidence as the order of the Governor-General; and an order in writing purporting to be signed by the Provincial Secretary and to be written by command of the Lieutenant-Governor shall be received in evidence as the order of the Lieutenant-Governor. R.S.O. 1897, c. 73, s. 24.

Orders signed by Secretary of State or Provincial Secretary.

### *Official Documents.*

25. Copies of proclamations and of official and other documents, notices and advertisements printed in the *Canada Gazette* or in the *Ontario Gazette*, or in the official Gazette of any Province or Territory in Canada shall be *prima facie* evidence of the originals, and of the contents thereof. R.S.O., 1897, c. 73, s. 25. See R.S.C., 1906, c. 145, s. 21.

Notices in *Gazette*.

26. Where the original record could be received in evidence, a copy of any official or public document in Ontario, purporting to be certified under the hand of the proper officer

How public or official documents proved.

By-laws, etc.,  
of corporations.

officer, or the person in whose custody such official or public document is placed, or of a document, by-law, rule, regulation or proceeding, or of any entry in any register or other book of any corporation, created by charter or statute in Ontario, purporting to be certified under the seal of the corporation, and the hand of the presiding officer or secretary thereof, shall be receivable in evidence without proof of the seal of the corporation, or of the signature or of the official character of the person or persons appearing to have signed the same, and without further proof thereof. R.S.O. 1897, c. 73, s. 26.

Privilege in  
case of official  
documents.

27. Where a document is in the official possession, custody or power of a member of the Executive Council, or of the head of a Department of the Public Service of Ontario, if the deputy head or other officer of the Department has the document in his personal possession, and is called as a witness, he shall be entitled, acting herein by the direction and on behalf of such member of the Executive Council or head of the Department, to object to produce the document on the ground that it is privileged; and such objection may be taken by him in the same manner, and shall have the same effect, as if such member of the Executive Council or head of the Department were personally present and made the objection. R.S.O. 1897, c. 73, s. 27.

Entries in  
departmental  
books to be  
*prima facie*  
evidence.

28. A copy of an entry in any book of account kept in any department of the Government of Canada or of Ontario, shall be received as *prima facie* evidence of such entry, and of the matters, transactions, and accounts therein recorded, if it is proved by the oath or affidavit of an officer of such department that such book was, at the time of the making of the entry, one of the ordinary books kept in such department, that the entry was apparently, and as the deponent believes, made in the usual and ordinary course of business of such department, and that such copy is a true copy thereof. R.S.O. 1897, c. 73, s. 28. See R.S.C., 1906, c. 145, s. 26.

Copies of public books or documents admissible in evidence.

29.—(1) Where a book or other document is of so public a nature as to be admissible in evidence on its mere production from the proper custody, a copy thereof or extract therefrom shall be admissible in evidence if it is proved that it is an examined copy or extract, or that it purports to be signed and certified as a true copy or extract by the officer to whose custody the original has been entrusted.

Copies to be delivered if required.

(2) Such officer shall furnish the certified copy or extract to any person applying for the same at a reasonable time, upon his paying therefor a sum not exceeding ten cents

cents for every folio of one hundred words. R.S.O. 1897, c. 73, s. 29,

[*As to documents in Crown Lands Department see R.S.O. Chap. 28, sec. 47.*]

*Signatures of Judges, etc.*

30.—(1) All Courts, Judges, Justices, Masters, Clerks of Courts, Commissioners and other officers acting judicially, shall take judicial notice of the signature of any of the Judges of any Court in Canada, in Ontario and in every other Province and Territory in Canada, where such signature is appended or attached to any decree, order, certificate, affidavit, or judicial or official document. R.S.O. 1897, c. 73, s. 30 *part*.

Judicial notice to be taken of signatures of Judges, etc.

(2) The Members of the Board of Railway Commissioners of Canada and of the Ontario Railway and Municipal Board, the Mining Commissioner and the Referees appointed under *The Municipal Drainage Act* shall be deemed Judges for the purposes of this section. *New*.

31. No proof shall be required of the handwriting or official position of any person certifying to the truth of any copy of or extract from any proclamation, order, regulation or appointment; and any such copy or extract may be in print or in writing, or partly in print and partly in writing. R.S.O. 1897, c. 73, s. 30, *part*.

Proof of handwriting, when not required.

*Foreign Judgments.*

32. A judgment, decree or other judicial proceeding recovered, made, had or taken in the Supreme Court of Judicature or in any Court of Record in England or Ireland or in any of the Superior Courts of Law, Equity or Bankruptcy in Scotland, or in any Court of Record in Canada or in any of the Provinces or Territories in Canada, or in any British Colony or Possession, or in any Court of Record of the United States, or of any State of the United States of America, may be proved by an exemplification of the same under the seal of the Court without any proof of the authenticity of such seal or other proof whatever, in the same manner as a judgment, decree, or other judicial proceeding of the High Court in Ontario may be proved by an exemplification thereof. R.S.O. 1897, c. 73, s. 31.

Foreign judgments, etc., how proved.

*Notarial Documents.*

33. A copy of a notarial act or instrument in writing made in Quebec, before a Notary and filed, enrolled or enregistered by such Notary, certified by a Notary or Prothonotary

Copies of notarial acts in Quebec admissible.

thotary to be a true copy of the original thereby certified to be in his possession as such Notary or Prothonotary, shall be receivable in evidence in the place and stead of the original, and shall have the same force and effect as the original would have if produced and proved. R.S.O. 1897, c. 73, s. 32.

How impeached.

34. The proof by such certified copy may be rebutted or set aside by proof that there is no such original, or that the copy is not a true copy of the original in some material particular, or that the original is not an instrument of such nature as may by the law of Quebec, be taken before a Notary, or be filed, enrolled or enregistered by a Notary. R.S.O. 1897, c. 73, s. 33.

*Protests of Bills and Notes.*

Production of protest to be *prima facie* evidence that protest was made.

35. A protest of a bill of exchange or promissory note purporting to be under the hand of a Notary Public wherever made shall be received as *prima facie* evidence of the allegations and facts therein stated. R.S.O. 1897, c. 73, s. 34.

Certain certificates of notaries to be *prima facie* evidence.

36. Any note, memorandum or certificate purporting to be made by a Notary Public in Canada, in his own handwriting or to be signed by him at the foot of or embodied in any protest, or in a regular register of official acts purporting to be kept by him shall be *prima facie* evidence of the fact of notice of non-acceptance or non-payment of a bill of exchange or promissory note having been sent or delivered, at the time and in the manner stated in such note, certificate or memorandum. R.S.O., 1897, c. 73, s. 35.

*Sheriff's Conveyance on Division Court Judgment.*

Proving titles under Division Court executions.

37. In proving a title under a Sheriff's conveyance based upon an execution issued from a Division Court it shall be sufficient to prove the judgment recovered in the Division Court without proof of any prior proceedings. R.S.O. 1897, c. 73, s. 36.

*Affidavits, etc., made out of Ontario.*

Affidavits to be used in Ontario may be made before certain functionaries in other countries.

38. Oaths, affidavits, affirmations or declarations administered, sworn, affirmed or made out of Ontario:

(a) In England or Ireland before a Commissioner authorized to administer oaths in the Supreme Court of Judicature of England or Ireland;

(b) In England or Ireland before a Judge of the Supreme Court of Judicature of England or Ireland;

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(c)

- (c) In Scotland before a Judge of the Court of Session or the Justiciary Court of Scotland;
- (d) Before a Judge of any of the County Courts of Great Britain or Ireland, within his County;
- (e) In Great Britain or Ireland, or in any Colony of His Majesty, or in any foreign country, before the Mayor or Chief Magistrate of any City, Borough or Town corporate, certified under the common seal of such City, Borough, or Town corporate;
- (f) In any Colony belonging to the Crown of Great Britain, or any dependency thereof, or in any foreign country before a Judge of any Court of Record or of supreme jurisdiction;
- (g) In the British Possessions in India, before any Magistrate or Collector certified to have been such under the hand of the Governor of such Possession;
- (h) In Quebec, before a Judge or Prothonotary of the Superior Court or Clerk of the Circuit Court;
- (i) In any foreign place, before any Consul, Vice-Consul, or Consular Agent of His Majesty exercising his functions;
- (j) Before a Notary Public and certified under his hand and official seal;
- (k) Or before a Commissioner authorized by the laws of Ontario to take such affidavits;

shall be as valid and effectual and shall be of like force and effect to all intents and purposes as if such oath, affidavit, affirmation or declaration had been administered, sworn, affirmed or made in Ontario before a Commissioner for taking affidavits therein, or other competent authority of the like nature. R.S.O. 1897, c. 73, s. 37.

39. Any document purporting to have affixed, impressed or subscribed thereon or thereto the signature of such Judge or Commissioner, or the signature and official seal of such Notary Public, or Prothonotary, or the seal of the Corporation and the signature of such Mayor or Chief Magistrate or Governor as aforesaid, or the seal and signature of such Consul, Vice-Consul or Consular Agent in testimony of such oath, affidavit, affirmation or declaration having been administered, sworn, affirmed or made by or before him, or for any other purpose authorized by this Act, shall be admitted in evidence without proof of such signature, or seal and signature, being the signature or the seal and signature of the person whose signature or seal and signature the same purport to be, or of the official character of such person. R.S.O. 1897, c. 73, s. 38.

Seal and signature need not be proved.

*Formal*



*Formal Defects in Affidavits.*

Informal headings, etc., not to invalidate.

9 Edw. VII., c. 41.

40. No informality in the heading, or other formal requisites to any affidavit, declaration or affirmation, made or taken before a Commissioner or other person authorized to take affidavits under *The Commissioners for taking Affidavits Act*, or under this Act, shall be any objection to its reception in evidence, if the Court or Judge before whom it is tendered thinks proper to receive it. R.S.O. 1897, c. 73, s. 39.

*Depositions.*

Copies of depositions certified by person taking the same admissible in evidence.

41. Where an examination or deposition of a party or witness has been taken before a Judge or other officer or person appointed to take the same, copies of the examination or deposition certified under the hand of the Judge, officer or other person taking the same, shall, without proof of the signature, be received and read in evidence, saving all just exceptions. R.S.O. 1897, c. 73, s. 40.

*Proof of Wills.*

In actions concerning real estate, probate, etc., to be *prima facie* evidence of will, etc., after certain notice, unless its validity is put in issue.

42. In order to establish a devise or other testamentary disposition of or affecting real estate, probate of the will or letters of administration with the will annexed containing such devise or disposition or a copy thereof under the seal of the Surrogate Court granting the same, or under the seal of the High Court, where the probate or letters of administration were granted by the former Court of Probate for Upper Canada, shall be *prima facie* evidence of the will, and of its validity and contents. R.S.O. 1897, c. 73, s. 41. *Amended.*

Proof in the case of will of real estate filed in courts in other British possessions.

43. Where a person dies in any of His Majesty's Possessions out of Ontario, having made a will sufficient to pass real estate in Ontario, purporting to devise, charge or affect real estate in Ontario, the party desiring to establish any such disposition, after giving one month's notice to the opposite party to the proceeding of his intention so to do, may produce and file the probate of the will or letters of administration with the will annexed or a certified copy thereof under the seal of the Court which granted the same with a certificate of the Judge, Registrar, or Clerk of such Court that the original will is filed and remains in the Court and purports to have been executed before two witnesses, and such probate or letters of administration or certified copy with such certificate shall, unless the Court otherwise orders, be *prima facie* evidence of the will and of its validity and contents. R.S.O. 1897, c. 73, s. 43. *Amended.*



44. The production of the certificate, in the last preceding section mentioned, shall be sufficient *prima facie* evidence of the facts therein stated, and of the authority of the Judge, Registrar or Clerk, without proof of his appointment, authority or signature. R.S.O. 1897, c. 73, s. 44.

Certificate to be *prima facie* evidence.

*Copies of Registered Instruments.*

45. The word "instrument" in the next succeeding two sections shall have the meaning assigned to that word in section 2 of *The Registry Act*. R.S.O. 1897, c. 73, s. 45.

Meaning of "instrument."  
Rev. Stat., c. 136.

46. A copy of an instrument or memorial certified under the hand and seal of office of the Registrar, Master of Titles, or Local Master of Titles, in whose office the same is deposited, filed, kept or registered to be a true copy shall be *prima facie* evidence of the original, except in the cases provided for in section 47. R.S.O. 1897, c. 73, s. 46.

Registered instrument *prima facie* evidence.

[As to effect of production of an original duplicate the registration of which is certified, see R.S.O., Chap. 136, sec. 63.

47. Where it would be necessary to produce and prove an instrument or memorial which has been so deposited, filed, kept or registered in order to establish such instrument or memorial and the contents thereof, the party intending to prove the same, may give notice to the opposite party ten days at least before the trial, or other proceeding in which the proof is intended to be adduced, that he intends at the trial or other proceeding to give in evidence, as proof of the instrument or memorial a copy thereof certified by the Registrar, Master of Titles, or Local Master of Titles, under his hand and seal of office, and in every such case the copy so certified shall be sufficient evidence of the instrument or memorial and of its validity and contents, unless the party receiving the notice within four days after such receipt, gives notice that he disputes its validity, in which case the costs of producing and proving it may be ordered to be paid by any or either of the parties as may be deemed just. R.S.O. 1897, c. 73, s. 47.

Certified copies of registered instruments may be used instead of originals after notice.

Exception.

Costs in such cases.

48.—(1) Where a public officer produces upon a subpoena an original document, it shall not be deposited in Court, unless otherwise ordered, but if the document or a copy is needed for subsequent reference or use, a copy thereof or of so much thereof as may be deemed necessary, certified under the hand of the officer producing the document or otherwise proved, shall be filed as an exhibit in the place of the original; and the officer shall be entitled to receive in addition to his ordinary fees, the fees for any certified copy, to be

Copies of official documents to be filed in lieu of originals.

be paid to him before it is delivered or filed. R.S.O., 1897, c. 73, s. 48.

Original to be retained upon order of Judge.

(2) Where an order is made that the original be retained, the order shall be delivered to the public officer, and the exhibit shall be retained in Court and filed. R.S.O. 1897, c. 73, s. 49.

*Copies of other written Instruments.*

Copies of certain documents may be admitted as evidence on certain conditions.

49.—(1) A party intending to prove the original of a telegram, letter, shipping bill, bill of lading, delivery order, receipt, account or other written instrument used in business or other transactions, may give notice to the opposite party ten days at least before the trial or other proceeding in which the proof is intended to be adduced that he intends to give in evidence as proof of the contents, a writing purporting to be a copy of the document and in the notice shall name some convenient time and place for the inspection thereof.

Inspection.

(2) Such copy may then be inspected by the opposite party; and shall without further proof be sufficient evidence of the contents of the original document, and be accepted and taken in lieu of the original, unless the party receiving the notice within four days after the time mentioned for such inspection gives notice that he intends to dispute the correctness or genuineness of the copy at the trial or proceeding, and to require proof of the original; and the costs attending any production or proof of the original document shall be in the discretion of the Court. R.S.O. 1897, c. 73, s. 51.

Costs.

MISCELLANEOUS PROVISIONS.

Witnesses may be ordered to be examined in relation to any matter pending before a foreign tribunal.

50.—(1) Where it is made to appear to the High Court or a Judge thereof, or to a Judge of a County or District Court, that any Court or tribunal of competent jurisdiction in a foreign country has duly authorized, by commission, order or other process, the obtaining of the testimony in or in relation to any action, suit or proceeding pending in or before such foreign Court or tribunal, of a witness out of the jurisdiction thereof and within the jurisdiction of the Court or Judge so applied to, such Court or Judge may order the examination of such witness before the person appointed, and in the manner and form directed by the commission, order or other process; and may by the same or by a subsequent order, command the attendance of any person named therein for the purpose of

of being examined, or the production of any writing or other document or thing mentioned in the order; and may give all such directions as to the time and place of the examination, and all other matters connected therewith as may seem proper; and the order may be enforced, and any disobedience thereto punished, in like manner as in case of an order made by the same Court or Judge in an action pending in such Court or before such Judge.

(2) A person whose attendance is so ordered shall be entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in the High Court. Payment of expenses of witness.

(3) A person examined under such commission, order or other process, shall have the like right to object to answer questions tending to criminate himself, and to refuse to answer any questions which, in an action pending in the Court by which or by a Judge whereof or before the Judge by whom the order for examination was made, the witness would be entitled to object or to refuse to answer; and no person shall be compelled to produce at the examination, any writing, document or thing which he would not be compellable to produce at the trial of such an action. Right of refusal to answer questions and to produce documents.

(4) Where the commission, order or other process or the instructions of the Court accompanying the same direct that the person to be examined shall be sworn or shall affirm the person so appointed shall have authority to administer the oath to him or take his affirmation. R.S.O. 1897, c. 73, s. 52. Administration of oath.

51. It shall not be necessary to prove by the attesting witness, an instrument to the validity of which attestation is not requisite. R.S.O. 1897, c. 73 s. 54. Attesting witness need not be called where none is required by law.

52. Comparison of a disputed writing with any writing proved to the satisfaction of the Court to be genuine, shall be permitted to be made by a witness; and such writings and the evidence of witnesses respecting the same, may be submitted to the Court or jury, as evidence of the genuineness or otherwise of the writing in dispute. R.S.O. 1897, c. 73, s. 55. Comparison of disputed writing with genuine.

53. Where a document is received in evidence the Court admitting the same, may direct that it be impounded and kept in such custody for such period and subject to such conditions as may seem proper or until the further order of the Court or of the High Court or a Judge thereof or of a County or District Court (as the case may be). When instruments offered in evidence may be impounded.

Evidence dispensed with under Rev. Stat., c. 134.

54. It shall not be necessary in an action to produce any evidence which by section 2 of *The Vendors and Purchasers Act* is dispensed with as between vendor and purchaser, and the evidence declared to be sufficient as between vendor and purchaser shall be *prima facie* sufficient for the purposes of the action. R.S.O. 1897, c. 134, s. 3.

Repeal.

55. Chapter 73 of the Revised Statutes of Ontario, 1897, (except section 53) and all amendments to the said Act are repealed.

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## CHAPTER 44.

## An Act respecting Commissioners for taking Affidavits.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

COMMISSIONERS FOR TAKING AFFIDAVITS AND RECOGNIZANCES IN ONTARIO, ss. 3-6.

COMMISSIONERS WITHOUT ONTARIO, ss. 7, 8.

COMMISSIONERS FOR TAKING AFFIDAVITS IN OTHER PROVINCES FOR USE IN ONTARIO, s. 8.

AUTHORITY OF COMMISSIONERS, s. 9, 10.

REVOCATION OF COMMISSION, s. 11.

REPEAL, s. 12.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Commissioners for taking Affidavits Act*." Short title.

2. In this Act "County" shall include a Provisional Interpretation. "County." County and a Provisional Judicial District.

## COMMISSIONERS WITHIN ONTARIO.

3.—(1) The Justices of the High Court or any two of them, Appointment of Commissioners for taking affidavits. of whom the President of a Division shall be one, may issue, under the seal of the High Court, commissions empowering such and so many persons as they think fit and necessary in every county to take and receive such affidavit as any person desires to make in or concerning any action, cause, or matter depending in or in any wise concerning any of the proceedings in the Courts of Ontario. R.S.O. 1897, c. 74, s. 1.

(2) Every Solicitor of the Supreme Court shall be *ex officio* Solicitors to be ex-officio commissioners. a Commissioner for taking affidavits in and for every county in Ontario. (*New*)

(See

(See also *The Interpretation Act*, 7 Edw. VII. c. 2, s. 7, cl. 20.)

The Judges and Clerks of County Courts may take affidavits, etc.

4. The Judges and the Clerks of the County and District Courts may take all affidavits required to be taken in their respective Courts. R.S.O. 1897, c. 74, s. 6.

Each Commissioner to be an officer of the Court.

5. Every Commissioner for taking affidavits shall be deemed to be an officer of the High Court. R.S.O. 1897, c. 74, s. 7.

Commissioner for United Counties may, after separation, act for County in which he resides.

6. Where a union of counties is dissolved or a county is separated from a union of counties every Commissioner appointed for the union may exercise within the county in which he resides at the time of the dissolution or separation or within the counties of the union which remain thereafter united and in either of which he so resides the same powers as if he had received his commission or appointment for such county or remaining counties within which he so resides and shall not have or exercise such powers under his commission otherwise or elsewhere. See R.S.O. 1897, c. 74, s. 9.

#### COMMISSIONERS OUT OF ONTARIO.

Lieutenant-Governor may appoint commissioners for taking affidavits, etc., without Ontario.

7.—(1) The Lieutenant-Governor may, by commission empower such and so many persons as he thinks fit and necessary to administer oaths and to take affidavits without Ontario in or concerning actions, causes or matters, depending in or in anywise concerning any proceeding to be had in any Court in Ontario.

Style of commissioners.

(2) A Commissioner so appointed shall be styled "A Commissioner for taking affidavits in and for the Courts in Ontario." R.S.O. 1897, c. 74, s. 10.

Judges of the High Court may appoint commissioners in any Province.

8. The Justices of the High Court or any two of them, of whom the President of a Division shall be one, may issue under the seal of the High Court commissions empowering such and so many persons as they think fit and necessary to administer oaths and to take affidavits in any Province or Territory in Canada, in or concerning actions, causes or matters depending in or in anywise concerning any proceeding to be had in any Court in Ontario. R.S.O. 1897, c. 74, s. 11.

#### AUTHORITY OF COMMISSIONERS, ETC.

The commissioners, etc., may take affidavits in all courts or in matters pending before a Judge and affidavits authorized to be made by any statute.

9. Every Commissioner may take any affidavit in anywise concerning any proceeding to be had in any Court in Ontario, or before a Judge of any such Court, and in or concerning any application or matter made or pending before any Judge of any Court in Ontario which by any statute such Judge is authorized to hear and determine, or in which he is authorized to make an order, although the application or matter be not made or depending in any Court. R.S.O. 1897, c. 74, s. 12.

10. Every Commissioner shall have power to take declarations in all cases in which declarations may be taken, or may be required under any Act in force in Ontario. R.S.O. 1897, c. 74, s. 13. Commissioners, may take statutory declarations.

#### REVOCATION OF COMMISSIONS.

11. The Justices of the High Court or any two of them, of whom the President of a Division shall be one, may revoke the commission of any Commissioner whether the commission was issued by the Justices of such Court, or of any Court formerly authorized to issue commissions, and such revocation shall operate as a revocation for all purposes. R.S.O. 1897, c. 74, s. 8. Revocation of commission

[See *The Registry Act, R.S.O. Cap. 136, sec. 46, for powers under that Act. Under R.S.O. Cap. 175, sec. 3, Notaries Public have the powers of Commissioners.*]

12. Chapter 74 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed. Repeal.

## CHAPTER 45.

## An Act respecting the Costs of Distress or Seizure of Chattels.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.	Forms of orders, etc., ss. 10, 14.
FEES WHICH MAY BE CHARGED, ss. 2-5.	Right of action unaffected, s. 15.
PENALTY FOR EXACTING UNAUTHORIZED FEES, ss. 6-8.	STATEMENT OF DEMAND AND CHARGES TO BE FURNISHED, s. 16 (1).
Costs where complaint unfounded, ss. 9, 11.	TAXATION OF CHARGES, ss. 16 (2-5).
JUSTICE MAY SUMMON WITNESSES, s. 12.	REPEAL, s. 17.
PENALTY FOR DISOBEYING, s. 13.	

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Costs of Distress Act.*" *New.*

Tariff of fees and costs on distress where sum demanded does not exceed \$80.

2.—(1) No person making distress for rent or for a penalty where the sum demanded and due, in respect of the rent or penalty, does not exceed \$80, and no person employed in making the distress, or doing any act in the course of the distress, or for carrying the same into effect, shall levy, take or receive any costs in respect of the distress other than such as are set forth in Schedule 1. R.S.O. 1897, c. 75, s. 1, *part.*

Scale of fees where sum demanded exceeds \$80.

(2) Where the sum demanded and due exceeds \$80 no charges shall be made for or in respect of costs or expenses except such as are set forth in Schedule 2. *New.*

Costs in respect of seizure of exempted goods.

3. No costs shall be levied, taken or received for or in respect of exempted goods when they may not be lawfully sold, and when sold no greater sum in all than \$2 and actual and necessary payments for possession money shall



shall be levied, taken or received for or in respect of costs and expenses of sale of such exempted goods. R.S.O. 1897, c. 75, s. 3.

4. No person making a seizure or sale of goods for default in payment of the principal money or interest secured by a chattel mortgage shall levy, take or receive any greater or other fees or costs than those set forth in Schedule 3. R.S.O. 1897, c. 75, s. 4.

Tariff of fees and costs on seizing goods under chattel mortgage.

5. No person shall make any charge for anything mentioned in such Schedules unless it has been actually done. R.S.O. 1897, c. 75, s. 5.

No charge for anything not done.

6. If a person offends against any of the provisions of the preceding sections the person aggrieved may apply to a Justice of the Peace for the county, city or town where the offence was committed, for redress of the grievance, whereupon the Justice shall summon the person complained of to appear before him, at a reasonable time to be fixed in the summons, and the Justice shall examine into and hear the complaint and defence; and if it appears that the person complained of has so offended, the Justice shall order and adjudge treble the amount of the money unlawfully taken and full costs to be paid by the offender to the party aggrieved. R.S.O. 1897, c. 75, s. 6.

Penalty for extortion.

7. In case of non-payment of the money or costs so adjudged the Justice shall forthwith issue his warrant to levy the same by distress and sale of the goods and chattels of the person convicted, rendering to him the overplus, if any. R.S.O. 1897, c. 75, s. 7.

How penalty to be levied

8. Where no sufficient distress can be had the Justice shall, by warrant under his hand and seal, commit the person convicted to the Common Gaol for such time not exceeding three months as the Justice may deem just, unless the order is sooner satisfied. R.S.O. 1897, c. 75, s. 8.

Commitment.

9. Where the Justice finds that the complaint is not well founded he may order and adjudge costs, not exceeding \$4, to be paid by the complainant to the person complained against, and the order shall be enforced in the manner hereinbefore directed with respect to an order in favour of a complainant. R.S.O. 1897, c. 75, s. 11.

Costs where complaint unfounded.

10. The order may be according to the appropriate form in Schedule 4, and may be proved before any Court by proof of the signature of the Justice thereto. R.S.O. 1897, c. 75, s. 14.

Form of order and judgment.

Costs and fees  
on proceedings  
before justice.

11. Except as provided in section 9, the costs and fees of and incidental to proceedings before a Justice under this Act shall be according to the scale of fees established by law in proceedings had by and before Justices. (*New.*)

Justice may  
summon wit-  
nesses.

12. The Justice, at the request of either party, shall summon and examine witnesses, and administer an oath to them touching the complaint or defence. R.S.O. 1897, c. 75, s. 9.

Penalty for  
disobeying.

13. Where a person so summoned neglects to obey the summons without reasonable or lawful excuse, or refuses to be examined, he shall forfeit a sum not exceeding \$8, to be adjudged, levied and paid in such manner, and by such means, and with such power of commitment, as hereinbefore directed with respect to an order in favour of a complainant, except as regards the form thereof, which may be as the Justice thinks fit. R.S.O. 1897, c. 75, s. 10.

Justices not to  
make orders  
against land-  
lord, etc.

14. Nothing herein contained shall empower the Justice to make an order against the person for whose benefit the distress, seizure or sale was made, unless he personally levied the distress or personally made the seizure or sale. R.S.O. 1897, c. 75, s. 12.

Person  
aggrieved by  
seizure or dis-  
tress not  
barred of his  
action, etc.

15. No person aggrieved by a seizure or sale of goods under a chattel mortgage or by a distress for rent or for a penalty, or by any act done or proceeding had in the course thereof, or by any costs or expenses levied upon him in respect of the same, shall be barred from any action or remedy which he would have had if this Act had not been passed, except so far as any complaint preferred under this Act has been determined by the order of a Justice. R.S.O. 1897, c. 75, s. 13.

Persons levy-  
ing distress to  
give copy of  
charges to  
party distrain-  
ed on.

16.—(1) A person who makes a distress shall give a statement in writing of the demand, and of all the costs and expenses of the distress, signed by him, to the person on whose goods the distress is made, and a person who makes a seizure under a chattel mortgage shall give to the person in possession of the goods seized a statement in writing signed by him of the demand and of the costs charged in respect of the seizure and subsequent proceedings. R.S.O. 1897, c. 75, s. 15.

Taxation of  
costs of  
distress.

(2) The person whose goods are distrained or seized or the person authorizing the distress or seizure, or any other person interested, upon giving two days' notice in writing, may have the costs and expenses of the bailiff or other person making the distress or seizure taxed by the Clerk of the Division Court within whose division the same was made. R.S.O. 1897, c. 75, s. 16.

(3) The bailiff or person making the distress or seizure shall furnish the Clerk with a statement of his costs and expenses for taxation at the time mentioned in the notice, or at such other time as the Clerk may direct, and in default of his so doing he shall not be entitled to any costs or expenses. R.S.O. 1897, c. 75, s. 17.

Persons making distress to give bill of costs to clerk for taxation.

(4) The Clerk upon the taxation shall amongst other things, consider the reasonableness of any charges for removal and keeping possession of the goods, and for advertising, or any sums alleged to have been paid therefor, and may examine either party on oath, touching the same, and the person requiring the taxation shall pay the Clerk a fee of twenty-five cents therefor. R.S.O. 1897, c. 75, s. 18.

Duty of clerk on taxation.

(5) Where that portion of the costs or expenses in dispute amounts to \$10 or upwards, either party, on giving two days' notice, may have the taxation revised by the Clerk of the County or District Court of the County or District within which the distress or seizure was made who shall be paid a fee of fifty cents for such revision by the party appealing, and such fee may, in the discretion of the Clerk, be deducted from or added to the bill as finally taxed by him. R.S.O. 1897, c. 75, s. 19.

Revision of taxation.

17. Chapter 75 of the Revised Statutes of Ontario, 1897, and all amendments thereto are hereby repealed.

## SCHEDULE 1.

### (Section 2 (1).)

#### COSTS ON DISTRESS WHERE SUM DEMANDED AND DUE DOES NOT EXCEED \$80.

1. Levying distress .....	\$1 00
2. One man keeping possession, per diem.....	75
3. Appraisement, whether by one appraiser or more— two cents in the dollar on the value of the goods;	
4. If any printed advertisement, not to exceed in all.....	1 00
5. Catalogues, sale and commission, and delivery of goods— five cents in the dollar on the net proceeds of the sale.	
6 Where the amount due is satisfied in whole or in part after seizure and before sale three cents in the dollar on the amount realized.	

R.S.O. 1897, c. 75, Sched. A.

SCHEDULE

## SCHEDULE 2.

(Section 2 (2).)

## COST ON DISTRESS, WHERE SUM DEMANDED AND DUE EXCEEDS \$80.

1. Levying distress .....	\$1 00
2. One man keeping possession, per diem .....	1 00
3. Appraisement whether by one appraiser or more, <i>two cents in the dollar on the value of the goods.</i>	
4. Advertisement when reasonably published in a newspaper, the actual outlay not exceeding .....	5 00
5. If any printed advertisement otherwise than in a newspaper, the actual outlay not exceeding .....	3 00
6. The actual expenses reasonably incurred in removing the goods distrained or part thereof when such removal is necessary.	
7. Catalogues, sale and commission and delivery of goods, <i>five cents in the dollar on the net proceeds of the sale, up to \$100, and where the proceeds of the sale exceed \$100 in addition thereto two and a half per cent. on the excess over \$100.</i>	
8. Where the amount due is satisfied in whole or in part after seizure and before sale, <i>three cents in the dollar on the amount so realized. New.</i>	

## SCHEDULE 3.

(Section 4.)

## COSTS ON SEIZURE UNDER CHATTEL MORTGAGES.

1. Making seizure where amount does not exceed \$80.....	\$1 00
2. Making seizure where amount exceeds \$80 .....	1 50
3. One man keeping possession, per diem.....	1 00
4. Where the amount exceeds \$80, advertisement when reasonably published in a newspaper, the actual outlay not exceeding .....	5 00
5. If any printed advertisement otherwise than in a newspaper (where the amount does not exceed \$80) the actual outlay not exceeding .....	1 50
and where the amount exceeds \$80 the actual outlay not exceeding .....	3 00
6. Catalogues, sale and commission and delivery of goods, <i>five cents in the dollar on the net proceeds of the sale, up to \$100, and where the proceeds of sale exceed \$100 in addition thereto two and one-half per cent. on the excess over \$100.</i>	
7. Where amount is paid before sale, <i>a commission of two cents in the dollar, and the amount actually disbursed in cartage not to exceed .....</i>	2 00

R.S.O. 1897, c. 75, Sched. B.

SCHEDULE

## SCHEDULE 4.

(Section 10.)

## FORM 1.

FORM OF THE ORDER OF THE JUSTICE BEFORE WHOM COMPLAINT IS  
PREFERRED WHEN THE ORDER AND JUDGMENT IS IN FAVOUR OF THE  
COMPLAINANT.

In the matter of the complaint of *A. B.* against *C. D.* for a  
breach of the provisions of "*The Costs of Distress Act*," I, *E. F.*,  
a Justice of the Peace for the \_\_\_\_\_, do order and adjudge  
that the said *C. D.* shall pay to the said *A. B.* the sum of \_\_\_\_\_,  
as a compensation and satisfaction for unlawful charges and costs  
levied and taken from the said *A. B.*, under a distress for (*or as the  
case may be*), and the further sum of \_\_\_\_\_ for  
costs.

(Signed) *E. F.*

R.S.O. 1897, c. 75, Sched. C. Form 1.

## FORM 2.

FORM OF THE ORDER OF THE JUSTICE WHEN HE DISMISSES THE COM-  
PLAINT.

In the matter of the complaint of *A. B.* against *C. D.*, for a  
breach of the provisions of "*The Costs of Distress Act*," I, *E. F.*,  
a Justice of the Peace for the \_\_\_\_\_, do order and  
adjudge that the complaint of the said *A. B.* is unfounded; (*if costs  
are given add*, and I do further order and adjudge that the said  
*A. B.* shall pay to the said *C. D.* the sum of \_\_\_\_\_  
for costs).

(Signed) *E. F.*

R.S.O. 1897, c. 75, Sched. C, Form 2.

## CHAPTER 46.

## An Act respecting the Enforcement of Judges' Orders in matters not in Court.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Judges' Orders Enforcement Act.*"

Enforcing orders of judge made under special statutory authority.

2. Where jurisdiction is given to a Judge as *persona designata*, and no other mode of exercising it is prescribed, he shall have jurisdiction as a Judge of the Court to which he belongs, and the same jurisdiction for enforcing his orders, as to proceedings generally, as to costs and otherwise as in matters under his ordinary jurisdiction as a Judge of such Court. R.S.O. 1897, c. 76, s. 1.

Filing orders.

3.—(1) Where made by a Judge of the High Court the order may be filed in the Central Office of the High Court of Justice, or with a Local Registrar, Deputy Registrar or Deputy Clerk of the Crown, and, where made by a Judge of a County or District Court the order may be filed with the Clerk of the Court.

Consequences of filing.

(2) Upon an order being so filed it shall become an order of the High Court or of the County or District Court as the case may be, and may be enforced in the same manner and by the like process as if the order had been made by such Court. R.S.O. 1897, c. 76, s. 2.

Fees on filing.

(3) The like fees shall be payable as are payable upon the issue of an order made by the Judge in the exercise of his ordinary jurisdiction. R.S.O. 1897, c. 76, s. 3.

Entry of orders.

(4) The order shall be entered in the same manner as a judgment of the Court in which the order is so filed. R.S.O. 1897, c. 76, s. 4.

4. There shall be no appeal from such order unless an appeal is expressly authorized by the statute giving the jurisdiction or unless special leave is granted by the Judge making the order or by a Judge of the High Court, in which case the appeal shall be to a Divisional Court of the High Court whose decision shall be final. R.S.O. 1897, c. 76, s. 6; 63 V. c. 17, s. 14.

No appeal except when expressly authorized.

5. Chapter 76 of the Revised Statutes of Ontario, 1897, <sup>Repeal.</sup> and all amendments thereto are repealed.

## CHAPTER 47.

## An Act respecting Execution.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.  
 INTERPRETATION, s. 2.  
 GOODS EXEMPT FROM SEIZURE, ss. 3-8.  
 WRITS AGAINST LANDS AND GOODS, s. 9.  
 WHAT MAY BE SEIZED UNDER EXECUTION AGAINST GOODS—  
   Stocks in banks and companies, ss. 10-14.  
   Procedure for sale of other equitable interests, s. 15.  
   Rights under Patent of Invention, s. 16.  
 EQUITY OF REDEMPTION IN PERSONAL PROPERTY—

Equitable rights in chattels, s. 17.  
 Money and securities, ss. 18-20.  
 SECURITY TO SHERIFF, ss. 21, 22.  
 Mortgages, ss. 18, 23-27.  
 Equity of redemption in lands, ss. 28-31.  
 Contingent interests, s. 32.  
 CHURCH FEWS AND SITTINGS, s. 33.  
 EXECUTIONS AGAINST EXECUTORS, s. 34.  
 EXECUTIONS AGAINST MUNICIPALITIES, s. 35.  
 REPEAL, s. 36.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      **1.** This Act may be cited as "*The Execution Act.*" R.S.O. 1897, c. 77, s. 1.

Interpretation.      **2.** In this Act

"Execution."      (a) "Execution" shall include a writ of *feri facias* and every subsequent writ for giving effect thereto. (New.) (See Con. Rule 836.)

"Sheriff."      (b) "Sheriff" shall include any officer to whom an execution is directed.

## EXEMPTION.

Chattels exempt from seizure.

**3.** The following chattels shall be exempt from seizure under any writ issued out of any Court, namely:

(a)



- (a) The beds, bedding and bedsteads (including Bedding. cradles), in ordinary use by the debtor and his family;
- (b) The necessary and ordinary wearing apparel of Apparel. the debtor and his family;
- (c) One cooking stove with pipes and furnishings, one Furniture. other heating stove with pipes, one crane and its appendages, one pair of andirons, one set of cooking utensils, one pair of tongs and a shovel, one coal scuttle, one lamp, one table, six chairs, one washstand with furnishings, six towels, one looking glass, one hair brush, one comb, one bureau, one clothes press, one clock, one carpet, one cupboard, one broom, twelve knives, twelve forks, twelve plates, twelve tea cups, twelve saucers, one sugar basin, one milk jug, one tea pot, twelve spoons, two pails, one wash tub, one scrubbing brush, one blacking brush, one wash board, three smoothing irons, all spinning wheels and weaving looms in domestic use, one sewing machine and attachments in domestic use, thirty volumes of books, one axe, one saw, one gun, six traps, and such fishing nets and seines as are in common use, the articles in this subdivision enumerated not exceeding in value \$150;
- (d) All necessary fuel, meat, fish, flour and vegetables, actually provided for family use, not Fuel and provisions. more than sufficient for the ordinary consumption of the debtor and his family for thirty days, and not exceeding in value \$40;
- (e) One cow, six sheep, four hogs, and twelve hens, in Animals. all not exceeding the value of \$100, and food therefor for thirty days, and one dog. R.S.O. 1897, c. 77, s. 2 (1-5);
- (f) Tools and implements of or chattels ordinarily used Tools. in the debtor's occupation, to the value of \$100; but if a specific article claimed as exempt be of a value greater than \$100 and there are not Exempted article valued at over \$100. other goods sufficient to satisfy the writ such article may be sold by the Sheriff who shall pay \$100 to the debtor out of the net proceeds, but no sale of such article shall take place unless the amount bid therefor shall exceed \$100 and the cost of sale in addition thereto. R.S.O. 1897, c. 77, s. 2 (6); 62 V. (2), c. 7, s. 1;
- (g) Fifteen hives of bees. R.S.O. 1897, c. 77, s. 2 (7). Bees

Debtor may take proceeds of sale of implements, etc., in money.

4. The debtor may in lieu of tools and implements of or chattels ordinarily used in his occupation referred to in clause (f) of section 3, elect to receive the proceeds of the sale thereof up to \$100, in which case the officer executing the writ shall pay the net proceeds of the sale if the same do not exceed \$100, or, if the same exceed \$100, shall pay that sum to the debtor in satisfaction of the debtor's right to exemption under clause (f). R.S.O. 1897, c. 77, s. 3, *part*.

Money derived from sale of exempted goods not attachable.

5. The sum to which a debtor is entitled under clause (f) of section 3 or under section 4 shall be exempt from attachment or seizure at the instance of a creditor. R.S.O. 1897, c. 77, s. 3, *part*.

Goods exempted from seizure after death of the debtor to go to widow and family.

6. Chattels exempt from seizure shall, after the death of the debtor, be exempt from the claims of his creditors, and his widow shall be entitled to retain them for the benefit of herself and his family, or, if there is no widow, the family of the debtor shall be entitled to them. R.S.O. 1897, c. 77, s. 4.

Right of selection.

7. The debtor, his widow or family, or, in the case of infants, their guardian, may select out of any larger number the chattels exempt from seizure. R.S.O. 1897, c. 77, s. 5.

Exception.

8. Nothing herein shall exempt any article enumerated in clauses (c) to (g) of section 3 from seizure to satisfy a debt contracted for such article. R.S.O. 1897 c. 77, s. 6.

#### WRITS AGAINST LANDS AND GOODS.

Execution to bind goods and lands from time of delivery to Sheriff.

9.—(1) A writ of execution shall bind the goods and lands against which it is issued from the time of the delivery thereof to the Sheriff for execution. Provided that subject to the provisions of *The Bills of Sale and Chattel Mortgage Act* no writ of execution against goods shall prejudice the title to such goods acquired by any person in good faith and for valuable consideration, unless such person had at the time when he acquired his title notice that such writ had been delivered to the Sheriff and remains in his hands unexecuted. R.S.O. 1897, c. 338, sec. 11, *part*. 5 Geo. II., c. 7, sec. 4 (Imp.); *Doe ex dem McIntosh v. McDonell*, 4 O.S. 195; *Doe Aldjo v. Hollister*, 5 O.S. 739; *Doe dem Burnham v. Simmons*, 7 U.C.R. 196. 56 and 57 Vic., c. 71, s. 26 (1) Imp.

(2) The Sheriff shall upon the receipt of the writ and without fee, endorse thereon the day of the year, the month, the hour and the minute when the same was received. R.S.O. 1897, c. 338, s. 11, *part*.

(3)

(3) Subsection 1 shall not apply to an execution against goods issued out of a Division Court which shall bind only from the time of the seizure. (*New.*)

#### STOCKS IN BANKS AND COMPANIES.

10. Shares and dividends, and any equitable or other right, property, interest or equity of redemption in or in respect of shares or dividends in an incorporated bank or an incorporated company having transferable shares shall be deemed to be personal property found in the place where notice of the seizure thereof is served, and may be seized under execution and may be sold thereunder in like manner as other personal property. R.S.O. 1897, c. 77, ss. 13, 17 (2); 62 V. (2), c. 7, s. 9 (1)

Shares and dividends and equitable interests therein.

11.—(1) The Sheriff on being informed on behalf of the execution creditor that the execution debtor has such shares, and on being required to seize the same, shall forthwith serve a copy of the execution on the bank or company with a notice that all the shares of the execution debtor are seized thereunder; and from the time of service the seizure shall be deemed to be made and no transfer of the shares by the execution debtor shall be valid, unless and until the seizure has been discharged; and every seizure and sale made under the execution, shall include all dividends, premiums, bonuses, or other pecuniary profits upon the shares seized, and the same shall not after notice as aforesaid, be paid by the bank or company to any one, except the person to whom the shares have been sold. R.S.O. 1897, c. 77, s. 11.

Copy of execution to be served on the company with notice of seizure.

Stock not to be transferred while under seizure; and sale under seizure to include all dividends, etc.

(2) Such seizure may be made and notice given by the Sheriff where the bank or company has within his bailiwick a place at which service of process may be made. (*New.*)

12. If the bank or company has more than one place where service of process may be made, and there is some place where transfers of shares may be notified to and entered by the bank or company, so as to be valid as regards the bank or company, or where dividends or profits as aforesaid on stock may be paid other than the place where service of such notice has been made, the notice shall not affect any transfer or payment of dividends or profits duly made and entered at any such other place, so as to subject the bank or company to pay twice, or so as to affect the rights of any *bona fide* purchaser, until after the expiration of a period from the time of service sufficient for the transmission of notice of service by post from the place where it has been made to such other place, which notice it shall be the duty of the bank or company to so transmit. R.S.O. 1897, c. 77, s. 12.

Provisions for the case of the company having more than one place where service of process may be legally made upon them or transfers notified.

Mode of proceeding after sale.

13. Where any such share is sold the Sheriff shall within ten days after the sale, serve upon the bank or company at some place where service of process may be made, a copy of the execution, with his certificate endorsed thereon, certifying the sale and the name of the purchaser who shall have the same rights, and be under the same obligations as if he had purchased the share from the execution debtor at the time of the service of notice under section 11. R.S.O. 1897, c. 77, s. 14.

Saving of all other remedies.

14. Nothing in this Act shall affect any remedy which the execution creditor might, without this Act, have had against any such share or the dividends, premiums, bonuses or other pecuniary profits in respect thereof; and the provisions of the next preceding four sections shall apply to such remedy in so far as they can be applied thereto. R.S.O. 1897, c. 77, s. 15.

Procedure for sale of other equitable interests

15. The procedure for seizure and sale in the case of an equitable or other right, property, interest or equity of redemption in or in respect of any share shall be the same as hereinbefore provided in the case of shares and dividends, and the same shall be held to be personal property found in the place where notice of the seizure is served. 62 V. (2), c. 7, s. 9 (3); R.S.O. 1897, c. 77, s. 17 (2).

Rights under patent of invention.

16.—(1) All rights under letters patent of invention and any equitable or other right, property, interest or equity of redemption therein shall be deemed to be personal property and may be seized and sold under execution in like manner as other personal property. 3 Edw. VII. c. 7, s. 17, *amended*.

(2) Such seizure and sale may be made by the Sheriff of any county or district having in his hands to be executed an execution against the property of the debtor who is the owner of or interested in the letters patent.

(3) Notice of the seizure shall forthwith be given to the Patent Office and the interest of the debtor shall be bound from the time when the notice is received there. (*New*.)

#### EQUITY OF REDEMPTION IN PERSONAL PROPERTY.

Equitable rights in chattels.

17. The Sheriff may seize and sell any equitable or other right, property, interest or equity of redemption in or in respect of any goods, chattels or personal property, including leasehold interests in any land of the execution debtor, and except where the sale is under an execution against goods issued out of a Division Court, the sale shall convey whatever equitable or other right, property, interest

est or equity of redemption he had or was entitled to in or in respect of the goods, chattels or personal property at the time of the delivery of the execution to the Sheriff for execution and where the sale is under an execution against goods issued out of a Division Court the sale shall convey whatever equitable or other right, property, interest or equity of redemption the debtor had or was entitled to in or in respect of the goods, chattels or personal property at the time of the seizure. 62 V. (2), c. 7, s. 9 (2); 3 Edw. VII. c. 7, s. 18 (1), *amended*.

#### MONEY AND SECURITIES.

18. The Sheriff shall seize any money or bank-notes (including any surplus of a former execution against the debtor), and any cheques, bills of exchange, promissory notes, bonds, mortgages, specialties, or other securities for money belonging to the person against whom the execution has been issued; and, subject to the provisions of *The Creditors' Relief Act*, shall pay or deliver to the party who sued out the execution, the money or bank notes so seized, or a sufficient part thereof, and hold such cheques, bills of exchange, promissory notes, bonds, specialties or other securities for money, as security for the amount directed to be levied, or so much thereof as has not been otherwise levied or raised; and the Sheriff may sue in his own name for the recovery of the sums secured thereby. R.S.O. 1897, c. 77, s. 18; 8 Edw. VII. c. 33, s. 26.

Sheriff may seize money and securities for money.

Rev. Stat. s. 78.

Money seized to be paid over to execution creditor.

Sheriff to sue for securities.

[*As to proceedings under Division Court Executions, see also Rev. Stat. Cap 60, secs. 174-189.*]

[*As to sales under Writ of Fieri Facias, see Con. Rules 875-882.*]

19. The payment to the Sheriff by the person liable on such cheque, bill of exchange, promissory note, bond, specialty or other security, with or without suit, or recovery from him, shall discharge him to the extent of such payment or recovery, from his liability thereon. R.S.O. 1897, c. 77, s. 19.

Payment to sheriff to be valid.

20. Subject to the provisions of *The Creditors' Relief Act*, the Sheriff shall pay over to the party who sued out the execution the money so paid or recovered, or a sufficient sum to discharge the amount directed to be levied, and if, after satisfaction thereof and of the fees, poundage and expenses of the Sheriff, a surplus remains, the same shall be paid to the party against whom the execution issued. R.S.O. 1897, c. 77, s. 20.

Sheriff to pay over proceeds.

Rev. Stat. c. 78.

Surplus to be paid to the execution debtor.

## SECURITY TO SHERIFFS, ETC.

Sheriff not bound to sue until indemnified.

21. A Sheriff shall not be bound to sue any person liable upon such cheque, bill of exchange, promissory note, bond, specialty or other security, unless the party who sued out the execution enters into a bond with two sufficient sureties to indemnify the Sheriff from all costs and expenses to be incurred in the prosecution of the action, or to which he may become liable in consequence thereof; and the expenses of the bond not exceeding \$5 may be deducted from any money recovered in the action. R.S.O. 1897, c. 77, s. 21.

Instructions and indemnity to sheriff on seizing goods claimed by third parties.

22.—(1) A Sheriff shall not without written instructions and a bond, as hereinafter mentioned, be obliged to seize property which is in the possession of a third person claiming the same, and not in the possession of the debtor against whose property the execution was issued.

(2) The instructions shall specify the property in such a way as to enable the Sheriff to identify it.

(3) The bond shall be a bond of indemnity to the Sheriff and his assigns, with two sufficient sureties, who shall justify in double the value of the property, and the value shall be stated in an affidavit by the creditor or his solicitor or agent attached to the bond.

(4) The bond shall be assignable to the claimant, and shall be conditioned that the persons executing the same shall be liable for the damages, costs and expenses which the Sheriff or the claimant may be put to by the seizure and subsequent proceedings, including interpleader proceedings (if any), and which he does not recover from other persons who ought to pay the same.

(5) If the Sheriff is not satisfied with the bond offered the matter in difference shall be determined by a Judge of the County or District Court of the county or district.

Right of sheriff to interpleader not affected.

(6) Nothing in this section shall limit the right of the Sheriff to apply for relief by interpleader. R.S.O. 1897, c. 77, s. 22.

Taking money secured by mortgage under execution.

23.—(1) If a Sheriff is informed on behalf of the execution creditor that the execution debtor is a mortgagee of land and that the mortgage is registered, or that he is entitled to receive a sum of money charged upon land by virtue of a registered instrument, and if the Sheriff is required on behalf of the execution creditor to seize the mortgage or charge, and is furnished in writing with the information necessary to enable him to give the notice hereinafter mentioned, he shall, upon payment of the proper fees, forthwith deliver or transmit to the Registrar or Master

ter of Titles in whose office the mortgage or other instrument is registered, who shall forthwith register the same, a notice in the form or to the effect following:

To the Registrar of (or as the case may be)  
 By virtue of an execution issued out of the High Court of Form of sheriff's notice to registrar.  
 Justice (or as the case may be)  
 whereby I am commanded to levy of the goods and chattels of  
 A. B. \$ , for debt, and \$ for costs  
 lately adjudged to be paid by the said A. B. to C. D., besides  
 the costs of execution, I have this day seized and taken in execu-  
 tion all the estate, right, title and interest of the said A. B. in  
 a mortgage made by X. Y. to the said A. B., bearing date the  
 day of 19 , and registered in  
 the registry office for the County of (or as the case may be)  
 on the day of 19 , as number  
*(or the said mortgage or other instrument may be described in any  
 other manner by reference to dates, parties and the land covered  
 as will enable the notice to be registered against the land therein  
 described)* and in the moneys secured thereby, and this notice is  
 given for the purpose of binding the interest of the said A. B.  
 under sections 23 to 27 of *The Execution Act*.  
 Dated this day of 19  
 (Signed) M. N.,  
 Sheriff of the County (or District) of

(2) Upon registration of the notice, the interest of Effect of registra-  
tion of  
sheriff's notice  
to registrar.  
 the execution debtor in the mortgage or other instrument,  
 and in the land therein described, and in the moneys  
 thereby secured and in all covenants and stipulations for  
 securing payment thereof, shall be bound by the execution,  
 and such registration shall be notice of the execution and  
 seizure to all persons who may thereafter in any way  
 acquire any interest in the mortgage, land, moneys, or  
 covenants; and the rights of the Sheriff and of the execution  
 creditor shall have priority over the rights of all such per-  
 sons subject, as regards the mortgagor or person liable to  
 pay the money secured by the mortgage or charge, to the  
 next following section. R.S.O. 1897, c. 77, s. 23.

24.—(1) A notice similar to that mentioned in the next Notice to  
mortgagor.  
 preceding section shall also be served upon the mortgagor or  
 the person who is liable to pay the moneys secured by the  
 registered instrument; and after such service the person  
 served shall pay to the Sheriff all moneys then payable and,  
 as they become due, all moneys which may become payable  
 to the execution debtor so far as may be necessary to sat-  
 isfy the execution.

(2) Service of the notice may be made personally, or Mode of  
effecting  
service.  
 by leaving it at the dwelling-house of the person to be  
 served with a grown up person residing there, or by regis-  
 tered post to the proper address of the person to be served.

(3) Any payment made after service of the notice or Payments  
made after  
notice.  
 after actual knowledge of the seizure shall be void as  
 against the Sheriff and the execution creditor. R.S.O.  
 1897, c. 77, s. 24.



Sheriff enforcing mortgage.

25. In addition to the remedies herein provided, the sheriff may bring an action on such mortgage or other instrument for the sale or foreclosure of the land covered by it, and shall be entitled to a bond of indemnity as in the cases provided for in section 21. R.S.O. 1897, c. 77, s. 25

Expiry or setting aside of execution after registration of notice.

26.—(1) Upon an execution, notice whereof is registered under section 23, expiring or being satisfied, set aside or withdrawn, a certificate of such fact shall be given by the Sheriff or by the execution creditor, and the same or the order to set aside, as the case may be, may be registered; and thereupon such seizure shall be vacated and be at an end. R.S.O. 1897, c. 77, s. 26.

Verification of order and certificates.

(2) The order or the certificate of the Sheriff shall not require verification.

(3) The certificate of the execution creditor shall be verified by the oath of a subscribing witness as in the case of other instruments affecting land. R.S.O. 1897, c. 77, s. 27.

Fees of registrar and sheriff.

27. For the registration of a notice under section 23 or of a certificate under section 26, the registrar or master shall be entitled to a fee of 50 cents; and for every notice of seizure under section 23, the Sheriff shall be entitled to a fee of \$1, and for every certificate under section 26, to a fee of 75 cents. R.S.O. 1897, c. 77, s. 28.

#### EQUITY OF REDEMPTION IN LAND.

Interpretation.

28. Where the word "mortgagor" occurs in the next succeeding three sections, it shall be read and construed as if the words "his heirs, executors, administrators or assigns, or person having the equity of redemption," were inserted immediately after the word "mortgagor." R.S.O. 1897, c. 77, s. 29.

The interest of a mortgagor in lands mortgaged may be sold on execution.

29.—(1) The Sheriff to whom an execution against the lands and tenements of a mortgagor is directed, may seize, sell and convey all the interest of the mortgagor in any mortgaged lands and tenements.

(2) The equity of redemption in freehold land shall be saleable under an execution against the lands and tenements of the owner of the equity of redemption in his lifetime, or in the hands of his executors or administrators after his death, subject to the mortgage, in the same manner as lands and tenements may now be sold under an execution. R.S.O. 1897, c. 77, s. 30.



30. The effect of the seizure or taking in execution, sale and conveyance, of mortgaged lands and tenements, shall be to vest in the purchaser, his heirs and assigns, all the interest of the mortgagor therein at the time the execution was placed in the hands of the Sheriff, as well as at the time of the sale, and to vest in the purchaser, his heirs and assigns, the same rights as the mortgagor would have had if the sale had not taken place; and the purchaser, his heirs or assigns, may pay, remove or satisfy any mortgage, charge or lien which at the time of the sale existed upon the lands or tenements so sold, in like manner as the mortgagor might have done; and thereupon the purchaser, his heirs and assigns, shall acquire the same estate, right and title as the mortgagor would have acquired in case the payment, removal or satisfaction had been effected by the mortgagor. Effect of sale.  
R.S.O. 1897, c. 77, s. 31.

31. A mortgagee of land, or the executors, administrators or assigns of a mortgagee being or not being the execution creditor may be the purchaser at the sale, and shall acquire the same estate, interest and rights thereby as any other purchaser, but in that event he or they shall give to the mortgagor a release of the mortgage debt; and if another person becomes the purchaser, and if the mortgagee, his executors, administrators or assigns shall enforce payment of the mortgage debt by the mortgagor, the purchaser shall repay the debt and interest to the mortgagor, and in default of payment thereof within one month after demand, the mortgagor may recover the debt and interest from the purchaser, and shall have a charge therefor upon the mortgaged land. Mortgagee may become purchaser at sheriff's sale.  
R.S.O. 1897, c. 77, s. 32.

#### CONTINGENT INTERESTS.

32.—(1) Any estate, right, title or interest in land which, under section 8 of *The Act respecting the Transfer of Real Property*, may be conveyed or assigned by any person, or over which he has any disposing power which he may, without the assent of any other person, exercise for his own benefit, shall be liable to seizure and sale under execution against such person, in like manner and on like conditions as land is by law liable to seizure and sale under execution, and the sheriff selling the same may convey and assign it to the purchaser in the same manner and with the same effect as the person might himself have done. Any interest which may be conveyed, etc., under Rev. Stat. c. 119, s. 8, to be liable to execution.

(2) An inchoate right to dower shall not be liable to seizure or sale under execution. Except inchoate right of dower.  
R.S.O. 1897, c. 77, s. 33.

#### CHURCH PEWS AND SITTINGS.

33.—(1) The interest of any person derived by deed, lease or license in writing from the churchwardens or other authorities of any church in a pew or sitting, if such interest Interest in pew or sitting may be taken in execution and sold.  
est

est is assignable by the holder thereof, may be sold under execution at the suit of such churchwardens or other authorities for arrears of rent or other charge to which such pew or sitting is subject, or which the holder thereof may have agreed to pay or for which he may be liable, or at the suit of any creditor of such holder, and such churchwardens or other authorities may become purchasers at such sale on behalf of the church, and may relet or sell the right so acquired.

Deed.

(2) The Sheriff may execute a deed to the purchaser of the interest so sold; and the churchwardens or other authorities shall, on production of such deed, give effect to the same, upon payment of any arrears of rent or charge then due.

Subject to  
rent, etc.

(3) Such sale shall be subject to any continuing rent or charge of such pew or sitting previously stipulated for or imposed, and shall not prejudice the right to impose increased rent or charges on such pew or sitting pursuant to *The Church Temporalities Act*, or any other law or custom. R.S.O. 1897, c. 77, s. 34.

3 V. c. 74.

## EXECUTIONS AGAINST EXECUTORS.

Interest in real  
estate to be  
seizable on a  
judgment  
against an  
executor.

34. The title and interest of a testator or intestate in land may be seized and sold under an execution upon a judgment recovered by a creditor of the testator or intestate against his executor or administrator in the same manner and under the same process as upon a judgment against the deceased, if he were living. R.S.O. 1897, c. 77, s. 35.

## EXECUTIONS AGAINST MUNICIPAL CORPORATIONS.

Proceedings  
on levy.

35.—(1) An execution against a municipal corporation may be indorsed with a direction to the Sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following:—

Statement of  
claim to  
Treasurer.

(a) The Sheriff shall deliver a copy of the writ and indorsement to the treasurer of the municipality, or leave such copy at the office or dwelling-place of that officer, with a statement in writing of the Sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day, as near as is convenient to the day of the service;

If claim not  
paid rate to be  
struck by  
Sheriff.

(b) If the amount with interest thereon from the day mentioned in the statement, is not paid to the Sheriff within one month after the service, the Sheriff shall examine the assessment roll of the municipality, and shall in like manner as rates are

are struck for general municipal purposes strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the Sheriff deems sufficient to cover the interest up to the time when the rate will probably be available, and his own fees and poundage;

- (c) The Sheriff shall thereupon issue a precept under his hand and seal of office, directed to the collector of the corporation, and shall annex to the precept the roll of such rate; and shall by the precept after reciting the writ and that the corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates;

Sheriff's precept to collect or, etc., to levy rate.

- (d) If at the time for levying the annual rates next after the receipt of such precept, the collector has a general rate roll delivered to him for the year; he shall add a column thereto, headed "Execution rate in A. B. vs. The Township" (or as the case may be, adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid; and shall, within the time within which he is required to make the return of the general annual rate, return to the Sheriff the precept, with the amount levied thereon;

Rate rolls.

- (e) The Sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the municipality.

Surplus.

(2) The Clerk, Assessor, and Collector of the corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the Sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the Court out of which the writ issued, and as such shall be amenable to the Court, and may be proceeded against by attachment, mandamus or otherwise, in order to compel them to perform the duties imposed upon them. 3 Edw. VII. c. 19, s. 471.

Clerk, assessors and collectors to be officers of the court from which writ issued.

36. Chapter 77 of the Revised Statutes of Ontario, 1897, (except section 7), and all amendments to the said Act, and section 11 of Chapter 338 of the said Revised Statutes and section 471 of *The Consolidated Municipal Act, 1903*, are repealed.

Repeal.

## CHAPTER 48.

## An Act to prevent Priority among Execution Creditors.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.  
INTERPRETATION, s. 2.

WHERE COUNTY JUDGE DISQUALIFIED, s. 3.

NO PRIORITY AMONG EXECUTION CREDITORS, s. 4.

ATTACHING CREDITOR TO SHARE WITH OTHER CREDITORS, s. 5.

NOTICE TO BE ENTERED BY SHERIFF AFTER LEVY, s. 6.

DISTRIBUTION OF MONEY LEVIED, ss. 5, 6, 22, 33.

PROCEEDINGS WHERE DEBTOR ALLOWS EXECUTION TO REMAIN UNSATISFIED, ss. 7-21.

PROCEDURE BY SHERIFF ON ATTACHMENT UNDER ABSCONDING DEBTORS' ACT, s. 22.

COSTS OF CLAIMANT, s. 23.

PAYMENT TO SHERIFF OF FUND IN COURT, s. 24.

MONEY MADE BY RECEIVER, s. 25.

SHERIFF MAY OBTAIN GOODS IN HANDS OF DIVISION COURT BAILIFF, s. 26.

APPORTIONMENT WHERE AMOUNTS LEVIED INSUFFICIENT TO PAY ALL CLAIMS, s. 27.

LEVYING INTEREST AND COSTS, s. 28.

SHERIFF'S POUNDAGE, s. 29.

MONEY MADE ON ONE WRIT TO BE CONSIDERED MADE ON ALL EN-

TITLED TO BENEFIT THEREOF, s. 30.

STATEMENT TO BE KEPT IN SHERIFF'S OFFICE PENDING DISTRIBUTION, s. 31.

SHERIFF TO GIVE INFORMATION AS TO ESTATE, s. 32.

DISTRIBUTION BY SHERIFF WHERE AMOUNT LEVIED IS INSUFFICIENT TO MEET ALL CLAIMS, s. 33.

DIRECTIONS BY JUDGE TO AVOID UNNECESSARY PARTIES AND TRIALS, s. 34.

DIRECTION BY JUDGE TO SHERIFF WHERE CLAIM IS DISPUTED, s. 35.

DECISIONS TO BIND ALL CREDITORS, s. 36.

SHERIFF TO DEPOSIT MONEYS IN BANK, s. 37.

ATTACHMENT OF DEBTS OWING TO EXECUTION DEBTOR, s. 38.

APPEAL, s. 39.

POWERS OF JUDGE, s. 40.

EVIDENCE ON PROCEEDING BEFORE JUDGE, s. 41.

FEES PAYABLE TO THE CROWN, s. 42.

JUDICATURE ACT AND RULES, APPLICATION OF, s. 43.

REPEAL, s. 44.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Creditors Relief Act.*" R.S.O. 1897, c. 78, s. 1.

2.

## 2. In this Act;

Interpretation,

(a) "County" shall include a Provisional Judicial District. "County."

(b) "County Court" shall include District Court.

"County Court."

(c) "Execution" shall include a writ of fieri facias and every subsequent writ for giving effect thereto. "Execution."

(d) "Judge" shall mean a Judge of the County Court of the county or district the sheriff of which is required to take the proceedings directed by this Act. "Judge."

(e) "Sheriff shall include any officer to whom an execution is directed. (New.)" "Sheriff."

3. Where a Judge is disqualified to act in a matter arising under this Act, a Judge of the County Court of an adjoining county shall have jurisdiction to act in his place. Where Judge is disqualified.  
R.S.O. 1897, c. 78, s. 2. *part.*

4. Subject to the provisions hereinafter contained, there shall be no priority among creditors by execution from the High Court or from a County Court. R.S.O. 1897, c. 78, s. 3. No priority among execution creditors.

5.—(1) A creditor who attaches a debt shall be deemed to do so for the benefit of all creditors of his debtor as well as for himself. Attachment to be for benefit of all Creditors.

(2) Payment of such debt shall be made to the sheriff of the county in which the garnishee resides or, if there are more garnishees than one in respect of the same debt, then to the sheriff of the county in which any one of them resides. R.S.O. 1897, c. 78, s. 37 (3), *part.* Payment to be made to sheriff.

(3) This section shall not apply to debts attached by proceedings in a Division Court unless, before the amount recovered by the garnishee proceedings is actually received by the creditor, an execution against the property of the debtor is placed in the hands of the sheriff of such county. (New.) Attachments in Division Courts.

(4) Where money is paid to a sheriff in whose hands there is no execution against the property of the debtor, and there is in the hands of the sheriff of another county an execution against the property of the debtor, the Court or a Judge, on the application of such last mentioned sheriff or of a creditor or of the debtor may direct, on such terms as to costs and otherwise as may seem just, that such money be paid over to such last mentioned sheriff to be distributed by him as if such money had then been paid to him by the garnishee; and the Court or Judge shall fix the compensation to be paid to the sheriff by whom the money was received from the garnishee for his services. (New.) Money paid to sheriff who has no execution in hand.

(5)

Money paid  
into Division  
Court.

(5) Where money which a sheriff is entitled to receive under the provisions of this section is paid into a Division Court, the sheriff shall be entitled to demand and receive the same from the Clerk of such Court for the purpose of distributing it under the provisions of this Act.

Attaching  
creditor to  
share with  
other creditors.

(6) An attaching creditor shall be entitled to share in respect of his claim against the debtor in any distribution made under the provisions of this Act, but his share shall not exceed the amount recovered by his garnishee proceedings unless he has in due time placed an execution or a certificate given under this Act in the sheriff's hands.

Sheriff's  
poundage.

(7) The sheriff shall be entitled to poundage upon money received and distributed by him under the provisions of this section at the rate of one and a quarter per cent. and no more.

Sheriff may  
recover attach-  
ed debt.

(8) If an attached debt which the sheriff is entitled to receive, or any part of it, is received by the attaching creditor the sheriff may recover the same from him; but a Clerk of a Division Court shall not be liable for making payment to the creditor unless at the time of payment he has notice that there is an execution against the property of the debtor in the sheriff's hands. R.S.O. 1897, c. 78, s. 37.

Sheriff, after  
levy, to enter  
notice  
thereof.

9 Edw. VII.,  
c. 19.

6.—(1) Where a sheriff levies money under an execution against the property of a debtor, or receives money in respect of a debt which has been attached or sold under the provisions of section 16 of *The Absconding Debtors' Act*, he shall forthwith make an entry, Form 1, in a book to be kept in his office, open to public inspection without charge.

Distribution.

(2) The money shall thereafter be distributed rateably, among all execution creditors and other creditors whose executions or certificates given under this Act were in the sheriff's hands at the time of the levy or receipt of the money, or who deliver their executions or certificates to the sheriff within one month from the entry; subject, however, to the provisions hereinafter contained as to the retention of dividends in the case of contested claims, and to the payment of the costs of the creditor under whose execution the amount was made; and subject also to the provisions of subsection 6 of the next preceding section, and, as respects money recovered by garnishee proceedings, subject to the payment thereof to the creditor who obtained the attaching order of his costs of such proceedings.

Moneys  
realized on  
sale under  
interpleader  
order.

(3) Subsection 2 shall not apply to moneys received by a sheriff as the proceeds of a sale of property by him under an interpleader order; but upon the determination of the interpleader proceeding in favour of the creditors, the moneys whether in the sheriff's hands or in Court pending such

such determination, shall, subject to the provisions of subsection 4, be distributed by the sheriff among the creditors contesting the adverse claim.

(4) Where proceedings are taken by a sheriff for relief under any provisions relating to interpleader, those creditors only who are parties thereto and who agree to contribute *pro rata* in proportion to the amount of their executions or certificates to the expense of contesting any adverse claim shall be entitled to share in any benefit which may be derived from the contestation of such claim so far as may be necessary to satisfy their executions or certificates.

Rights of creditors in case of interpleader proceedings.

(5) The Judge making the interpleader order may direct that one creditor shall have the carriage of the interpleader proceedings on behalf of all creditors interested, and the costs thereof, as between solicitor and client, shall be a first charge upon the money or goods which may be found by the proceedings to be applicable upon the executions or certificates.

Order as to carrying on proceedings.

(6) Upon any interpleader application the Judge may allow to other creditors who desire to take part in the contest, a reasonable time in which to place their executions or certificates in the sheriff's hands, upon such terms as to costs and otherwise as may be deemed just.

Time allowed in interpleader.

(7) Where the sheriff, subsequently to the entry, but within the month, levies a further amount from the property of a debtor or receives money in respect of a debt which has been attached or sold, the same shall be dealt with as if such amount had been levied or received prior to the entry.

Application of subsequent levy.

(8) If after the month a further amount is so levied or received a new notice shall be entered and the distribution to be made of the amount so levied or received and of any further amount levied or received within a month of the entry of the last mentioned entry shall be governed by the entry thereof in accordance with the foregoing provisions of this section, and so from time to time as further amounts are so levied or received. R.S.O. 1897, c. 78, s. 4 (1-6), *amended*.

Notice and distribution on further levy.

(9) Where a creditor has shared in a previous distribution he shall be entitled to share in a subsequent one only in respect of the amount remaining due to him after crediting what he has received in any previous distribution. (*New*.)

Credit to be given of payment received.

(10) In distributing money under this section creditors who have executions against goods or lands only or against goods and lands shall be entitled to share rateably with all others any moneys realized under execution against either goods or lands or against both, or under an attaching order. R.S.O. 1897, c. 78, s. 4 (7).

Lands and goods writs share equally.



What creditors  
may share.

(11) Subject to the provisions of subsection 6 of section 5, a creditor shall not be entitled to share in the distribution unless by the delivery of an execution, or otherwise under this Act, he has established a claim against the debtor either alone or jointly with some other person. R.S.O. 1897, s. 78, s. 5.

Money realized  
under  
*Abducting  
Debtors Act.*

(12) Where moneys in the hands of the sheriff for distribution are the proceeds of the property of an absconding debtor against whom an order of attachment has been issued under *The Absconding Debtors Act*, the period mentioned in subsection 2 shall be two months, and subsection 8 shall be read as if the words "the month" in the first line were "the two months." (*New.*)

(As to right of employees of debtors for wages, see R.S.O. 1897, c. 156 s. 4.)

Proceedings  
where debtor  
allows execu-  
tion to remain  
unsatisfied.

7. If a debtor permits an execution issued against him under which any of his goods or chattels are seized by a sheriff to remain unsatisfied in the sheriff's hands until within two days of the time fixed by the sheriff for the sale thereof, or for twenty days after the seizure, or allows an execution against his lands to remain unsatisfied for nine months after it has been placed in the sheriff's hands, the proceedings hereinafter authorized may be taken by other creditors or claimants in respect of debts which are overdue. R.S.O. 1897, c. 78, s. 6.

Affidavit of  
creditor.

8.—(1) An affidavit, Form 2, of the debt and the particulars thereof, may be made in duplicate by the creditor, or by one of the creditors in case of a joint debt, or by a person cognizant of the facts.

Filing affidavit  
or certificate.

(2) Prior to or simultaneously with the filing with the clerk of the County Court of the affidavit, there shall be filed with him a certificate of the sheriff, or an affidavit, shewing that such proceedings have been had against the debtor as entitle the creditor to proceed under this Act.

Service on  
debtor.

(3) The claimant shall serve on the debtor one of the duplicates, and a notice, Form 3.

Service out of  
Ontario.

(4) Where the affidavit and notice are to be served out of Ontario the Judge shall by order fix the time after which the next step may be taken by the claimant as hereinafter provided. R.S.O. 1897, c. 78, s. 7.

Notice by  
debtor of  
address for  
service.

9.—(1) An execution debtor may give notice in writing to the sheriff that any claims to be served upon him may be served upon a solicitor in Ontario, whose name and address shall be given, or by mailing the same to an address stated in the notice.

(2)



(2) The sheriff shall thereupon enter the notice in the book mentioned in subsection 1 of section 5, and so long as any execution, which was in the sheriff's hands at the time the notice was given shall remain in his hands, shall repeat such entry immediately below any entry, Form 1, made in respect of the execution, unless the notice is revoked in writing, in which case the entry thereof shall be marked "revoked."

Entry of  
notice.

(3) So long as the notice is not revoked, the affidavit of claim and notice, Form 3, may, where a solicitor is named, be served upon an execution debtor by serving the same upon the solicitor, or, if mailing is required, then by mailing the same by registered post to the address in the notice given by the execution debtor.

Service at  
address.

(4) Where the notice, Form 3, served on a debtor does not state some place in or within three miles of the county town of the county in which the proceedings are being taken, at which service may be made upon the claimant, or does not give the name and address of some solicitor in Ontario who may be served on the claimant's behalf, service of any notice, paper or document may be made upon the claimant by mailing the same, by registered post, addressed to the claimant at the county town.

Service by  
mail.

(5) The claimant shall file with the clerk of the County Court of the county, the sheriff of which has the execution, one of the duplicate affidavits of claim, and a copy of the notice with an affidavit of service thereof, Form 4.

Filing  
affidavit.

(6) The affidavit and the notice shall, where practicable, be personally served upon the debtor; but if it is made to appear to the Judge that the claimant is unable to effect prompt personal service, the Judge may order substitutional or other service, or may direct some act to be done which shall be deemed sufficient service. R.S.O. 1897, c. 78, s. 8.

Service  
generally.

10.—(1) Where the claim is not contested in manner hereinafter mentioned, after ten days from the day of service, or after the time mentioned in the order provided for by subsection 3 of section 8 (as the case may be), on the application of the claimant and his filing proof of due service of the affidavit and notice, or where the claim is contested, upon the determination of the dispute in favour of the claimant, either in whole or in part, the clerk of the County Court shall deliver to the creditor a certificate, Form 5; and where the claim is disputed as to a part only, the claimant may elect, by a writing filed with the clerk, to abandon such part and shall be entitled to a certificate as to the residue.

Certificate  
where claim  
not disputed.

Delivery to  
sheriff and  
effect of  
certificate.

(2) Upon delivery of the certificate to the sheriff, the claimant shall be deemed to be an execution creditor within the meaning of this Act, and shall be entitled to share in any distribution as if he had delivered an execution to the sheriff, and the certificate shall bind the lands and goods of the debtor in the same manner as an execution; subject, however, to the debt being afterwards disputed by a creditor as hereinafter provided.

(3) For the purpose of interpleader proceedings the certificate shall be deemed to be an execution.

Address for  
service to be  
endorsed.

(4) If the certificate is obtained by a solicitor, his name and address shall be endorsed thereon; and if obtained by the claimant in person there shall be endorsed thereon a statement of some place in, or within three miles of the county town of the county in which the proceedings are being taken, at which service may be made upon him; and, in default thereof, service of any notice, paper or document may be made upon the claimant by mailing the same by registered post addressed to him at the county town.

Further levy  
to be made.

(5) On receiving the certificate the sheriff shall make a further seizure of the property of the debtor to the amount of the debt so claimed, and the sheriff's fees; and so from time to time in case further certificates are received.

Time of  
remaining in  
force.

(6) A certificate shall remain in force for three years from the date thereof but may from time to time be renewed in the same manner as an execution.

Execution or  
certificate  
expiring  
within month  
of levy.

(7) Notwithstanding the expiry of an execution or certificate before the termination of the month during which a notice of money having been levied or received is required to be entered, the execution or certificate, as to any money levied or received during such month, shall be deemed to be in full force and effect. R.S.O. 1897, c. 78, s. 9.

Contesting  
claim.

11.—(1) The claim may be contested by the debtor or by a creditor of the debtor.

Affidavit of  
debtor.

(2) Where the debtor contests the claim, he shall file with the clerk an affidavit stating that he has a good defence to the claim, or to a specified part of it on the merits, but the Judge may dispense with the affidavit on terms or otherwise.

Filing and  
serving  
affidavit.

(3) The debtor shall file the affidavit and serve upon the claimant a copy thereof within ten days after service upon him of the affidavit of claim and the notice, or within the time mentioned in the order provided for by subsection 4 of section 8 as the case may be, or within such further time as the Judge may allow.

Contestation  
by creditor.

(4) Where the contestation is by a creditor, he shall file with the Clerk an affidavit to the effect that he has reason  
to

to believe that the debt claimed is not really and in good faith due from the debtor to the claimant; but the Judge may dispense with the affidavit on terms or otherwise.

(5) Notice of contestation, whether by the debtor or by a creditor, together with a copy of the affidavit, if any, shall be served upon the claimant within five days after filing the affidavit, or after the order of the Judge if the affidavit is dispensed with. *New.* Notice of contestation.

(6) The affidavit by a creditor may be filed, and a certificate thereof delivered to the sheriff, at any time before distribution is made, and the sheriff shall forthwith give notice of the receipt of such certificate to the claimant. Certificate of contestation.

(7) The affidavit of the debtor or other contestant shall have endorsed thereon a statement of some place in, or within three miles of the county town of the county in which the proceedings are being taken at which service may be made upon him, or the address of a solicitor in Ontario who may be served on his behalf, and in default thereof, service of any notice, paper, or document may be made upon the debtor or contestant by mailing the same by registered post addressed to him at such county town. R.S.O. 1897, c. 78, s. 10. Address for service.

12. Where the address of a solicitor is given for service which is not within three miles of the county town where the proceedings are carried on, service may be made upon him by serving his agent in Toronto. R.S.O. 1897, c. 78, s. 21. Service on Toronto agent.

13.—(1) Where a claim is contested by a creditor after a certificate has been placed in the sheriff's hands, the sheriff, unless the Judge otherwise orders, shall levy as if such contestation had not been made, and shall, until the determination of the contestation, retain in the bank the amount which would be apportionable to the claim if valid, and shall, as soon after the expiry of the month as is practicable, distribute the residue of the money made amongst those entitled. Distribution in case of contestation.

(2) The claimant whose claim is contested may apply to the Judge for an order allowing his claim and determining the amount; and if he does not make such application within eight days after receiving notice of the contestation or within such further time, if any, as the Judge may allow he shall be taken to have abandoned his claim. Claimant may apply for allowance of claim.

(3) Where the contestant is a creditor and there is reason to believe that the contestation is not being carried on in good faith, any other creditor may apply for an order permitting him to intervene in the contestation. R.S.O. 1897, c. 78, s. 11. When contest is not in good faith.

Trial of con-  
testation.

14.—(1) The Judge may determine any question in dispute in a summary manner, or may direct an action to be brought or an issue to be tried with or without a jury in any Court and in any county for the determination thereof, and make such order as to the costs of the proceedings as he may deem just.

Where amount  
in controversy  
exceeds \$400.

(2) Where the sum in controversy appears to be over \$400 exclusive of costs, the Judge shall direct that the action be brought or the issue tried in the High Court, and subject to any order which the High Court or a Judge thereof may make in that behalf, shall name the county in which the trial is to take place.

Proceedings  
where issue  
tried.

(3) Where an issue is directed the trial shall take place and all proceedings subsequent thereto shall be the same as if it had been an action in the Court in which it is ordered to be tried. R.S.O. 1897, c. 78, s. 12.

Production, ex-  
amination, etc.

15. The same proceedings may be had for the production of documents and for the examination of parties or others, either before or at the trial, as may be taken in an ordinary action, and such proceedings may also be taken before the application to the Judge, and as a foundation therefor. R.S.O. 1897, c. 78, s. 13.

Clerk to keep  
book of record.

16.—(1) The Clerk of the County Court shall keep a book in which, before giving a certificate or issuing an execution for a claim, he shall enter the following particulars with reference to every claim in respect of which he gives a certificate or issues an execution;

(a) The name of the claimant, and of the debtor;

(b) The date of the entry;

(c) The amount of the debt, exclusive of costs;

(d) The amount of costs;

(e) If the proceedings have been set aside, that fact, and shortly the reason therefor.

Effect of entry.

(2) The entry shall (subject to the provisions of this Act) have the effect of and be a final judgment of the Court for the debt and costs.

Index.

(3) The Clerk shall index the entries in a book alphabetically under the names of the debtors.

Copy of entry  
evidence.

(4) Where the original papers are lost or destroyed, a copy of the entry shall be evidence of the matters therein set forth. R.S.O. 1897, c. 78, s. 18.

Division Court  
judgment  
creditors.

17. A creditor who has recovered a judgment in a Division Court against the debtor may deliver to the sheriff a certificate under the hand of the clerk and the seal of the Division

Division Court of the amount of his judgment and of the costs to which he is entitled; and the certificate so delivered shall have the same effect for the purposes of this Act as if the creditor had delivered to the sheriff an execution from a County Court. R.S.O. 1897, c. 78, s. 14.

18. Where a creditor has taken in one county the prescribed proceedings in respect of his claim and desires to establish his claim for the purposes of this Act in another county, he may do so by obtaining from the Clerk of the County Court of the county first mentioned another certificate Form 5, and delivering the same to the sheriff of such other county, and the delivery of the certificate to the sheriff shall have the same effect in such other county from the time of the delivery thereof as if the certificate had been issued by the Clerk of the County Court of such other county upon proceedings therein. R.S.O. 1897, c. 78, s. 15.

Establishing claim in another county.

19. A creditor, entitled to obtain a certificate from the Clerk of a County Court, may also sue out an execution into any county in the same manner as on an ordinary judgment; but this shall not prejudice the right of any other creditor to contest the claim of such first mentioned creditor under the provisions of this Act. R.S.O. 1897, c. 78, s. 16.

Executions may issue to any county.

20.—(1) Where a claim is contested in one county, the decision thereon shall, as between the parties to the contestation, determine the amount of the claim for the purposes of this Act in all other counties in which the claim is filed, and the certificate of the Clerk of the County Court of the county in which the contestation has taken place, of the result thereof, shall be sufficient evidence of the decision.

Decision in one county binding in others.

(2) Upon payment of a fee of fifty cents the certificate shall be granted to any party to the proceedings who applies therefor. R.S.O. 1897, c. 78, s. 17.

21.—(1) Where the debtor, without a sale by the sheriff, pays the full amount owing in respect of the executions and claims in the sheriff's hands at the time of such payment, and no other claim has been filed, or where all executions and certificates in the sheriff's hands are withdrawn, and any claims filed are paid or withdrawn, notice shall not be entered under the provisions of section 6 and no further proceedings shall be taken under section 7.

Application of money paid by debtor voluntarily to sheriff.

(2) Save as aforesaid after a certificate has been delivered to the sheriff, the withdrawal or expiry of the execution upon which the proceedings are founded, or any stay of the same, or the satisfaction of the plaintiff's claim thereon,

on, or the setting aside or return of the execution, shall not affect the proceedings which may be taken under this Act, and except so far as the action taken with respect to the execution may affect the amount to be levied, the sheriff shall levy upon the property of the debtor, as he would have done had the execution remained in his hands in full force for execution and he may also take the like proceedings as he would have been entitled to take had the execution been a writ of *venditioni exponas*.

(3) Where a debtor, without a sale by the sheriff, pays to him part of the amount owing in respect of an execution or certificate in his hands, and there is at the time no other execution or certificate in his hands, he shall apply the same on the execution or certificate, and section 6 shall not apply to the money so paid. R.S.O. 1897, c. 78, s. 20.

Costs of  
proceedings  
under  
Absconding  
Debtors Act.

22.—(1) Where proceedings have been taken against a debtor under *The Absconding Debtors Act*, and his property has been attached under an order of attachment, before an execution has been placed in the hands of the sheriff, and the moneys levied are the proceeds of such property or a part thereof, the cost of the order of attachment, or, if there are more than one, the one first placed in the sheriff's hands and the proceedings thereon shall have priority over the claim of all other creditors.

(2) Where an attaching creditor is entitled to priority under subsection 1 the priority provided for by subsection 2 of section 6 shall not be given to the execution creditor. R.S.O. 1897, c. 78, s. 22.

Costs of  
claimant.

23.—(1) The Clerk of the County Court shall ascertain and state in his certificate the amount of the costs to which the claimant is entitled as against the debtor.

(2) Such costs shall be the following:

(a) For serving the affidavit of claim and notice, in the case of claims over \$400, on the scale of the High Court, and in the case of claims exceeding \$200 and not exceeding \$400, on the County Court scale, and in the case of claims of \$200 and under, on the Division Court scale; but if the claim does not exceed \$200 no greater fees are to be allowed than would be allowed to a Division Court bailiff for the service of a Division Court summons and mileage if the claim had been sued in the proper Division Court;

(b) The fees paid to the Clerk of the County Court, on the scale for like proceedings in the County Court, unless the claim does not exceed \$200, in which case his fees shall be those allowable for like proceedings in the Division Court;

(c)

- (c) Where there is no contest, \$5 for fees of a solicitor, if one is employed, unless the amount of the claim does not exceed \$200, in which case the sum of \$2 shall be allowed;
- (d) Where there is a contest, such additional costs as the Judge may allow, to be taxed on the scale of the High Court, County Court, or Division Court, according as the amount in dispute is within the jurisdiction of one or other of such Courts;
- (e) The costs of obtaining an order for substitutional service or other similar order and of such service, and of or incidental to service out of Ontario; if the claim is within the jurisdiction of the Division Court, only such costs as would have been allowed in the Division Court. R.S.O. 1897, c. 78, s. 23.

24. Where there is in any Court a fund belonging to an execution debtor or to which he is entitled the same or a sufficient part thereof to meet the executions and certificates in the sheriff's hands, may, on the application of the sheriff or any person interested, be paid over to the sheriff, and the same shall be deemed to be money levied under execution within the meaning of this Act. R.S.O. 1897, c. 78, s. 24.

Payment to  
sheriff of fund  
in Court.

25. Where a judgment creditor obtains the appointment of a receiver by way of equitable execution of property of his debtor, the receiver shall pay into Court the money received by him by virtue of his receivership, and the same shall be subject to the provisions of the next preceding section, but the creditor shall be entitled to be paid thereout the costs of and incidental to the receivership order and the proceedings thereon in priority to the claims of all other creditors. (*New.*)

Money made  
by receiver.

26.—(1) If the sheriff does not find property of a debtor leviable under the executions and certificates in his hands sufficient to pay the same in full, but finds property or the proceeds thereof in the hands of the bailiff of a Division Court under an execution or attachment against the debtor, the sheriff shall demand and obtain them from the bailiff, who shall forthwith deliver the same to the sheriff, with a copy of every execution and attachment in his hands against the debtor, and a memorandum shewing the amount to be levied under the execution, including the bailiff's fees, and the date upon which each execution or attachment was received by him.

Sheriff may  
take goods in  
hands of  
Division Court  
bailiff.

(2) If a bailiff fails to deliver any of such property or the proceeds thereof he shall pay double the value of that which

is



is retained, which may be recovered by the sheriff from him with costs of suit, and shall be accounted for by the sheriff as part of the estate of the debtor.

(3) The costs and disbursements of the bailiff shall be a first charge upon such property or the proceeds thereof and shall be paid by the sheriff to the bailiff upon demand, after being taxed by the Division Court Clerk.

(4) The sheriff shall distribute the proceeds among the creditors entitled to share in the distribution and the Division Court execution creditors shall be entitled without further proof to stand in the same position as creditors whose executions are in the sheriff's hands. R.S.O. 1897, c. 78, s. 25.

Apportionment of money when amount insufficient to pay claim in full.

27. Where the amount levied by the sheriff is not sufficient to pay the executions and certificates with costs in full, the money shall be applied to the payment rateably of such debts and costs of the creditors, after retaining the sheriff's fees including poundage, and after payment in full of the taxed costs and the costs of the execution to the creditor at whose instance and under whose execution the seizure and levy were made where he is entitled to priority therefor under the provisions of this Act. R.S.O. 1897, c. 78, s. 26.

Levy of interest and costs of renewals.

28. The sheriff, if directed by an endorsement upon a certificate, shall, in addition to the amounts named therein, levy interest on such amounts from the date of the certificate, or from the date named in that behalf in the certificate, and also \$1.35 for the disbursements on every renewal of the certificate; and where such renewal is made upon the application of a solicitor, he shall also levy \$1.25 for the solicitor's costs on the renewal. R.S.O. 1897, c. 78, s. 27.

Sheriff's poundage.

29. Where money is to be distributed by the sheriff under this Act, he shall not be entitled to poundage as upon separate executions or certificates, but only upon the net proceeds distributable by him, at the same rate as if the whole amount had been payable upon one execution. R.S.O. 1897, c. 78, s. 28.

Money made on any writ to be considered as made on all writs entitled to benefit thereof.

30.--(1) Where money is made under an execution it shall be taken to have been made under all the executions and certificates entitled to the benefit thereof, and, upon payment being made to the person entitled under any such execution or certificate, the sheriff shall endorse thereon a memorandum of the amount so paid, but he shall not, except on the request of the party who issued the execution, or by direction of the Court out of which the same issued, or of a Judge thereof, return the execution until the same has been



been fully satisfied or has expired, in which latter case the sheriff shall make a formal return of the amount made thereunder. R.S.O. 1897, c. 78, s. 29. Return.

(2) The like proceedings may be taken to compel payment by the sheriff of money payable in respect to a certificate as can now be had to compel the return by the sheriff of an execution. R.S.O. 1897, c. 78, s. 29. Compelling payment by sheriff.

31. Pending the distribution the sheriff shall keep, in the book mentioned in section 6, a statement, Form 6, shewing the following particulars:— Statement to be kept in sheriff's office. pending distribution

(a) The amounts levied or received and the dates of levy or receipt;

(b) Each execution, certificate, or order in his hands at the time of making the entry, Form 1, or subsequently received during the month, the amount thereof, for debt and costs, and the date of receipt, and such statement shall be amended from time to time as additional amounts are levied or received or further executions, certificates or orders are received. R.S.O. 1897, c. 78, s. 30.

32. The sheriff shall at all times without fee answer any reasonable question which he may be asked orally in respect to the property of the debtor by a creditor, or any one acting upon his behalf and shall facilitate the obtaining by him of full information respecting the same and the probable dividend to be realized therefrom in his county, or any other information in connection with the property which the creditor may reasonably desire to obtain. R.S.O. 1897, c. 78, s. 31. Sheriff to give information as to estate of debtor.

33.—(1) Where at the time for distribution the money is insufficient to pay all claims in full, the sheriff shall first prepare for examination by the debtor and his creditors a list of the creditors entitled to share in the distribution, with the amount due to each for principal, interest and costs. Distribution by sheriff where amount levied insufficient to meet all claims.

(2) The list shall be so arranged as to show the amount payable to each creditor, and the total amount to be distributed; and the sheriff shall deliver, or send by registered post to each creditor or his solicitor, a copy of the list.

(3) If within eight days after all the copies have been delivered or posted, or within such further time as the Judge may allow, no objection is made as provided by this Act, the sheriff shall make distribution forthwith pursuant to such list.

(4)

(4) If objection is made the sheriff shall forthwith distribute rateably so much of the money made, and among such persons, as will not interfere with the effect of the objection in case the same should be allowed.

(5) Any person affected by the proposed scheme of distribution, may contest the same, by giving within the time mentioned in subsection 3 a notice in writing to the sheriff, stating his objection to the scheme and the grounds thereof.

(6) The contestant shall within eight days thereafter apply to the Judge for an order adjudicating upon the matter in dispute, otherwise the contestation shall be taken to be abandoned.

(7) The contestant shall within the time mentioned in the next preceding subsection obtain from the Judge an appointment for hearing and determining the matter in dispute.

(8) A copy of the appointment and a notice in writing, Form 7, of the objections stating the grounds thereof shall be served by the contestant upon the debtor, unless he is the contestant, and upon the creditors or such of them as the Judge may direct. *New.*

(9) The Judge may determine any question in dispute in a summary manner, or may direct an action to be brought or an issue to be tried with or without a jury in any Court and in any county for the determination thereof, and may make such order as to the costs of the proceedings as he may deem just, and the provisions of subsections 2 and 3 of section 14 shall apply.

(10) Where a claimant is held to be not entitled, or to be entitled to part only of his claim, the money retained pending the contestation, or the portion as to which the claimant shall have failed, shall be distributed among the creditors who would have been entitled thereto, as the same would have been distributed had the claim in respect thereof not been made. R.S.O. 1897, c. 78, s. 32.

Rights of subsequent execution creditors where first execution followed by a mortgage.

(11) Where a debtor has executed a mortgage or other charge, otherwise valid, upon his property or any part thereof after the receipt of an execution by the sheriff and before distribution, such mortgage or charge shall not prevent the sheriff from selling the property under any execution or certificate placed in his hands before distribution as if such mortgage or charge had not been given, nor prevent creditors whose executions or certificates are subsequent thereto from sharing in the distribution; but in distributing the money realized from the sale of such property the sheriff shall deduct and pay to the person entitled thereto the amount of such mortgage or charge from the amount which would otherwise be payable out of the proceeds of such

such property to such subsequent creditors. (*See* 62 Vic. (2), c. 11, s. 13.)

(12) In the case provided for in the next preceding subsection the sheriff shall prepare a separate scheme of distribution of the proceeds of the encumbered property without reference to the mortgage or charge, and, from the dividends payable according to such scheme to subsequent creditors, there shall be deducted the amount of the mortgage or charge and the amount so deducted shall be paid to the encumbrancer. (*New.*)

34. Where several creditors are interested in a contestation, either for or against the same, the Judge shall give such directions for saving the expense of an unnecessary number of parties and trials, and of unnecessary proceedings, as he may deem just, and shall direct by whom and in what proportions any costs incurred in the contestation, or in any proceedings thereunder, shall be paid, and whether any and what costs shall be paid out of the money levied. R.S.O. 1897, c. 78, s. 33.

Directions by Judge to avoid unnecessary parties and trials.

35.—(1) The Judge may direct the sheriff to levy for an amount sufficient to cover a claim which is in dispute, or part thereof, or if it appears to the Judge that it is improbable that the debtor has other sufficient property, he may direct the sheriff to retain in his hands during the contestation the share which, if the claim is sustained, will be apportionable to it, or a part thereof.

Direction by Judge to sheriff where claim is disputed.

(2) An order to levy under this section shall confer on the sheriff the same authority as he would have under an execution. R.S.O. 1897, c. 78, s. 34.

36. The decision of a Judge of the County Court or of a Divisional Court on an appeal, shall bind the debtor and all his creditors, unless it appears that the decision was obtained by fraud or collusion. R.S.O. 1897, c. 78, s. 35.

Decisions to be binding on all creditors.

37.—(1) Where money comes into the hands of a sheriff he shall, whenever the same amounts to \$100, deposit it in some incorporated bank designated for that purpose by order of the Lieutenant-Governor in Council, or where there is no such bank, in some incorporated bank, in which public money of Ontario is then being deposited.

Sheriff to deposit moneys in bank.

(2) The deposit shall be made in a special account in the name of the sheriff, as "Trustee for the creditors of" (the debtor). R.S.O. 1897, c. 78, s. 36.

38. Where there are in the sheriff's hands several executions and certificates, and there does not appear to be sufficient property to pay all and his own fees, he may apply for an order attaching any debt owing to the execution

Attaching orders by sheriff or creditors.

tion debtor by any person resident in the county of such sheriff, whether the debt is owing by such person alone or jointly with another person resident or not resident in such county, and to procure the order and to obtain and enforce payment of the debt, the sheriff may take the same proceedings as a creditor; and in such case an execution may be directed to him in the same manner as if the attachment were by a creditor; and the proceeds of the debt attached shall be dealt with and distributed in the same manner as if he had realized the same under execution. R.S.O. 1897, c. 78, s. 37. (1).

Appeal.

**39.** If any party to a contestation or matter upon which a Judge has rendered or made a final judgment or order, is dissatisfied with such judgment or order, and the same is in respect to a question involving a sum greater than \$100, he may appeal therefrom to a Divisional Court of the High Court, as nearly as may be according to the practice in force in respect of appeals from a County Court or a Judge thereof. R.S.O. 1897, c. 78, s. 38.

Powers of Judge.

**40.** For the purpose of giving effect to this Act and carrying out its provisions a Judge shall have all the powers which a County Court or a Judge thereof has by law for other purposes; and any proceedings erroneously taken under this Act may be set aside by the Judge, with or without costs as he thinks fit. R.S.O. 1897, c. 78, s. 39.

Evidence on proceeding before Judge.

**41.** Upon any proceeding before the Judge the evidence may be taken orally or by affidavit as the Judge may direct. *New.*

Scale of fees.

**42.** Besides the fees authorized to be paid to the Clerk of the County Court for his own use, the following fees shall be payable to the Crown in law stamps upon all claims filed, where the amount of the claim exceeds \$200:—

	\$	cts.
On an affidavit of claim where the amount claimed does not exceed \$400 .....	0	80
On every such affidavit where the claim exceeds \$400 .....	1	50
On every certificate of the Clerk given under section 10, where the claim does not exceed \$400.	0	80
On every such certificate where the claim exceeds \$400 .....	1	50
On every order made by the Judge allowing or disallowing a claim, where the claim does not exceed \$400 .....	0	50
On every such order where the claim exceeds \$400..	1	00

R.S.O. 1897, c. 78, s. 41.

43. Except where inconsistent with this Act, the provisions of *The Judicature Act* and Rules of Court as to practice and procedure shall apply to proceedings under this Act. (*New*.)

Application of  
*Judicature Act*  
and Rules of  
Court.

44. Chapter 78 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed.

Repeal.

## SCHEDULE.

### FORM 1.

(Section 6, Subsection 1.)

#### SHERIFF'S ENTRY.

I have on this day in my hands for distribution under *The Creditors' Relief Act* among the creditors of *C. D.*, the sum of \$ and the distribution will be made among the creditors of the said *C. D.* entitled to share therein, at the expiration of one month from this day.

Dated 19 .

F. G.,  
Sheriff.

R.S.O. 1897, c. 78, Sched. Form A.

### FORM 2.

(Section 3, Subsection 1.)

#### AFFIDAVIT OF CLAIM.

#### THE CREDITORS' RELIEF ACT.

In the County Court of the County of

A. B. .... Claimant.

and

C. D. .... Debtor.

I, A. B., of in the county of Merchant (*or as the case may be*) make oath and say:—

1. I am the above named claimant (*or the duly authorized agent of the claimant in this behalf, and have a personal knowledge of the matter hereinafter deposed to*).

2. The above named debtor is justly and truly indebted to me (*or to the above named claimant*) in the sum of \$ for [*here state shortly the nature and particulars of the claim.*]

Sworn before me at  
this day of

19 .

} A. B.

A Commissioner, etc., (*or as the case may be*).

R.S.O. 1897, c. 78, Sched. Form B.

FORM

## FORM 3.

(Section 8, Subsection 3.)

## NOTICE TO BE SERVED WITH CLAIM.

## THE CREDITORS RELIEF ACT.

In the County Court of the County of

A. B.....Claimant.

and

C. D.....Debtor.

To the above (or within) named debtor.

Take notice that the claimant intends to file with the clerk of the County Court of the County of (or as the case may be) the original affidavit of claim of which a duplicate is served herewith, and that this proceeding is taken by reason of there being in the hands of the sheriff of the said county an execution against your property, and that the claimant intends to call on the sheriff to levy the amount of the said debt from your property under the authority of *The Creditors Relief Act*.

And further take notice that if you desire to contest the said claim, or any part thereof, you must, within ten (1) days after the service of this notice upon you, file with the clerk of the said Court an affidavit stating that you have a good defence to the said claim on the merits, or that you have such defence to a specified part of the claim. If no such affidavit is filed the claim will be treated as admitted by you. If the affidavit is filed contesting the claim as to part only such claim may be so treated as to the part not contested.

You are further hereby notified that unless you endorse upon such affidavit filed by you a statement of some place in, or within three miles of the county town of the said county at which service may be made upon you, or the address of some solicitor in Ontario who may be served on your behalf, service may be made upon you of any notice, paper, or document, by mailing the same by registered post addressed to you at the said county town.

Dated the                      day of                      19                      .

A. B.,  
Claimant.

NOTE.—(1) If further time is given by a Judge, the notice should be varied accordingly.

R.S.O. 1897, c. 78, Sched. Form C.

## FORM 4.

(Section 9, Subsection 5.)

## AFFIDAVIT OF SERVICE OF CLAIM.

## THE CREDITORS RELIEF ACT.

In the County Court of the County of

A. B.....Claimant.

and

C. D.....Debtor.

I, G. H., of                      in the county of                      make oath and say:—

1. That I did, on the                      day of                      , 19                      , personally serve C. D., the above named debtor, (or as the case may be) with an original

nal affidavit, identical with the annexed affidavit, and that there was at the time of such service, attached to (or endorsed upon) the said affidavit so served a true copy of the notice addressed to the debtor, now attached to (or endorsed upon) the said annexed affidavit.

Sworn before me at  
this                      day of                      } *G. H.*  
19                      }

A Commissioner, etc., (or as the case may be).

R.S.O. 1897, c. 78, Sched. Form D.

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FORM 5.

(Section 10, Subsection 1, and Section 18.)

CERTIFICATE OF PROOF OF CLAIM.

THE CREDITORS' RELIEF ACT.

In the County Court of the County of

A. B.....Claimant.

and

C. D.....Debtor.

I,                      Clerk of the County Court of the  
County of                      , do hereby certify (1) that the above  
named claimant did on the                      day of                      19                      ,  
file with me a claim against the above named debtor, for the sum  
of                      together with an affidavit of personal service  
thereof (or as the case may require) and of the notice required by  
*The Creditors' Relief Act*, upon the said debtor, and that it  
thereby appears that such service was made on the  
day of                      19                      .

(2) And I further certify that the debtor has not contested the said  
claim (or, has only contested the sum of                      part of  
the said claim, (as the case may be), and that the claimant having  
abandoned such part is entitled to the residue of his claim being  
the sum of                      and the further sum of                       
for costs). (Or when the claim is contested in whole or in part), (2)  
That the claim has been allowed by the Judge at the sum of \$  
with \$                      for costs.

*G. H.*,  
Clerk.

R.S.O. 1897, c. 78, Sched. Form E.

## FORM 6.

(Section 31.)

SHERIFF'S STATEMENT OF EXECUTIONS, ETC., IN HIS HANDS AGAINST  
*C. D.*

CAUSE.	Proceeding.	Claim without Costs.	Costs.	Date of receipt by Sheriff.	Amount Levied or received.	Date of Levy or receipt.
		\$	\$		\$	
A. B. v. C. D. . . .	<i>Fi. fa.</i> goods and lands.	504	30	18th Feb., 19 ..	500	1st May, 19 ..
F. G. v. C. D. & } E. G.	<i>Fi. fa.</i> goods and lands.	400	20	1st March, 19 ..	300	3rd May, 19 .. Nothing made against E. G.
K. L. v. C. D. . . .	Garnishee order. . . . .	500	30	.....	300	10th May, 19 ..
M. N. v. C. D. . . .	Creditor's Certificate	400	5	15th May, 19 ..		

R.S.O. 1897, c. 78, Sched. Form F.

## FORM 7.

(Section 33, Subsection 8.)

## NOTICE OF CONTESTATION OF SCHEME OF DISTRIBUTION.

## THE CREDITORS RELIEF ACT.

In the County Court of the County of .

*A. B.*.....Claimant.

and

*C. D.*.....Debtor.To *C. D.*, debtor, and *F. G.* and *M. N.*, claimants.

Take notice that I contest the scheme of distribution prepared by the Sheriff of the County of \_\_\_\_\_ in respect of the claims of you the said *F. G.* and *M. N.* on the following ground (*state distinctly the ground*), and a copy of the Judge's appointment to adjudicate upon the matter is served herewith.

Dated, etc.

X Y.,  
Contestant.  
(*New.*)



## CHAPTER 49.

## An Act respecting Absconding Debtors.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.  
 INTERPRETATION, s. 2.  
 ABSCONDING DEBTOR DEFINED, s. 3.  
 PROCEDURE TO OBTAIN ATTACHMENT, ss. 4-7.  
 WHAT PROPERTY MAY BE ATTACHED, s. 8.  
 PERISHABLE PROPERTY, s. 9.  
 WHEN DIVISION COURT ATTACHMENT SUPERSEDED, s. 10.  
 SHERIFF'S COSTS, ss. 11, 12.

SALE OF CHATTELS, s. 13.  
 COSTS OF FIRST ATTACHMENT, s. 14.  
 ATTACHMENT OF DEBTS DUE TO THE ABSCONDING DEBTOR, s. 15.  
 ACTIONS BY SHERIFF FOR OUTSTANDING DEBTS, ss. 16-17.  
 PROCEDURE UNDER THE CREDITORS RELIEF ACT, s. 18.  
 DELIVERY UP OF PROPERTY, s. 19.  
 REPEAL, s. 20.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Absconding Debtors Act*." Short title.

2. In this Act "property" shall include credits and effects. Interpretation.

3.—(1) If a person resident in Ontario departs therefrom with intent to defraud his creditors or any of them, or to avoid being arrested or served with process, being then possessed of any real or personal property therein not exempt by law from seizure under execution, he shall be deemed an absconding debtor, and such property may be seized and taken by an order of attachment for the satisfying of his debts. R.S.O. 1897, c. 79, s. 1. Who to be regarded as an absconding debtor.

(2) The order shall not be made except in a pending action. Con. Rule 1058, *amended*. Order to be made in an action.

## PROCEDURE TO OBTAIN ATTACHMENT.

4.—(1) Upon affidavit made by a plaintiff or his agent that a defendant is indebted to the plaintiff in a sum exceeding \$100, stating the cause of action, and that the deponent Proceedings upon affidavits that the defendant has absconded, etc.

ent

ent has good reason to believe and does believe that such defendant has departed from Ontario and has gone to some place, stating it, to which he is believed to have fled, or that the deponent is unable to obtain any information as to the place to which he has gone, with intent to defraud his creditors or any of them, or to avoid being arrested or served with process, and was, at the time of his so departing, possessed to his own use and benefit of real or personal property in Ontario not exempt by law from seizure under execution, and upon the further affidavit of two other persons, that they are well acquainted with such defendant, and have good reason to believe and do believe that he has departed from Ontario with intent to defraud his creditors or any of them, or to avoid being arrested or served with process, a Judge of the High Court, or of a County Court, may make an order in the High Court for the attachment of the property of such defendant. R.S.O. 1897, c. 79, s. 2.

Order of attachment to issue.

Proceedings in cases within County Court jurisdiction.

(2) Where the sum claimed is within the jurisdiction of the County Court a Judge thereof may in like manner make an order of attachment in that Court. R.S.O. 1897, c. 79, s. 3.

Copy of order to be served.

5. A copy of the order shall be served upon the defendant. (*New.*)

Term of existence.

6. The order shall remain in force for six months. Con. Rule 1060.

Plaintiff may obtain certified copies of order.

7. The plaintiff may at any time while the order is in force obtain from the proper officer one or more certified copies thereof, which may be delivered to any sheriff other than the sheriff to whom the original order was delivered, and he may thereunder attach the property of the defendant in his bailiwick. Con. Rule 1061.

#### WHAT PROPERTY MAY BE ATTACHED.—INVENTORY, ETC.

Sheriff to attach all the property and credits of defendant.

8. All the property of an absconding debtor liable to seizure under execution may be attached in the same manner as it might be seized under execution; and the sheriff to whom the order of attachment is directed shall forthwith take into his charge all such property, according to the exigency of the order, and shall be allowed all necessary disbursements for keeping the same, and he shall immediately call to his assistance two substantial freeholders of his county, and with their aid shall make a just and true inventory of all the personal property, evidence of title or debts, books of account, vouchers and papers that he has attached, and shall return such inventory signed by himself and such freeholders, together with the order. R.S.O. 1897, c. 79, s. 4, *part*.

Inventory to be made.

[*For property exempt from execution and attachment see Chaps. 77 and 156.*]

## PERISHABLE PROPERTY.

9.—(1) Where horses, cattle, sheep or pigs, or perishable property, or such as from its nature cannot be safely kept or conveniently taken care of, are taken under an order of attachment, the sheriff who attaches the same shall have them appraised, on oath, by two competent persons; and if the plaintiff desires it and deposits with the sheriff a bond to the defendant executed by two freeholders, approved as sufficient by the sheriff, in double the appraised value of the property, conditioned for the payment of the appraised value to the defendant, his executors or administrators, together with all costs and damages incurred by the seizure and sale thereof, in case judgment is not obtained by the plaintiff against the defendant, then the sheriff shall proceed to sell all or any of such property at public auction to the highest bidder, giving not less than six days' notice of the sale, unless any of the property is of such a nature as not to allow of that delay, in which case the sheriff may sell it forthwith; and the sheriff shall hold the proceeds for the same purposes as he would hold property seized under the order of attachment. R.S.O. 1897, c. 79, s. 5.

Sale of perishable goods on plaintiff giving security.

Sheriff to hold proceeds.

(2) If the plaintiff, after notice to him or to his solicitor of the seizure of any property mentioned in subsection 1, does not deposit such bond, then, after four days next after the notice, the sheriff shall be relieved from all liability to the plaintiff in respect to the property so seized, and the sheriff shall forthwith restore the same to the person from whose possession it was taken. R.S.O. 1897, c. 79, s. 6.

The goods to be restored if plaintiff fails to give sufficient security.

## WHEN DIVISION COURT ATTACHMENT SUPERSEDED.

10.—(1) Where the sheriff finds any property, or the proceeds of any property which has been sold as perishable, belonging to the defendant, in the custody of a constable or of a bailiff or clerk of a Division Court under a warrant of attachment issued, or finds money paid into Court under a garnishee summons under *The Division Courts Act*, the sheriff shall demand and be entitled to receive the same from the constable, bailiff or clerk, who, on demand and notice of the order of attachment, shall forthwith deliver the same to the sheriff, under the penalty of forfeiting double the value thereof, to be recovered by the sheriff, with costs of suit, and to be by him accounted for after deducting his own costs, as part of the property of the defendant: but the creditor who has sued out the warrant of attachment or taken the garnishee proceedings in the Division Court may proceed to judgment, and on obtaining judgment, and serving a certificate of the amount thereof, and of the costs, under the hand of the clerk and the seal of

Proceedings if sheriff finds property in the hands of a bailiff or clerk of a Division Court.

Rev. Stat. c. 60.

Creditor in Division Court may proceed to judgment.

of the Division Court, shall be entitled to share in the distribution, if any, by the sheriff under *The Creditors Relief Act*. R.S.O. 1897, c. 79, s. 7.

Costs of bailiff or constable to be a first charge on property.

(2) The costs and disbursements of such constable or bailiff shall be a first charge upon such property and proceeds and shall be paid by the sheriff upon demand after being taxed by the Division Court Clerk. (*New.*)

#### SHERIFF'S COSTS.

Sheriff's costs and how paid.

11. The costs of the sheriff for seizing and taking charge of property, under an order of attachment, including the sums paid to persons for assisting in taking an inventory, and for appraising (which shall be paid for at the rate of \$1 for each day actually required for and occupied in making the inventory and appraisal) shall be paid in the first instance by the plaintiff, and when paid shall be taxed to him as disbursements in the action. R.S.O. 1897, c. 79, s. 8.

Cost of new inventory not allowed on receipt of new writ.

12. Where the sheriff has made an inventory and appraisal on the first order of attachment, he shall not be required to make, nor shall he be allowed for a new inventory and appraisal upon a subsequent order coming into his hands. R.S.O. 1897, c. 79, s. 9.

#### RESTORATION OR SALE OF PROPERTY.

Goods to be restored to debtor on his giving security.

13.—(1) Where the defendant or any person on his behalf executes and files in the office from which the order of attachment or the first order, if there are more than one, was issued, a bond to the sheriff with at least two sufficient sureties approved by the proper officer in such office or by the Local Judge or Master binding the obligors jointly and severally, in double the appraised value of the property attached, conditioned that the defendant (naming him) will whenever required by order of the Court or a Judge pay into Court the appraised value of the property or so much thereof as will be sufficient to satisfy the claims of all creditors who may be entitled to share in the proceeds of the property, or will produce and deliver to the sheriff the property attached, the Court or a Judge may direct that such property be restored to the debtor. *See* R.S.O. 1897, c. 60, s. 267.

(2) If within one month after the property has been attached such bond is not executed and filed the Court or a Judge may direct the sheriff to sell any of the goods and chattels which have been attached, except chattels real, upon such terms as to the Court or Judge may seem just. *See* R.S.O. 1897, c. 60, s. 268.

## COSTS OF FIRST ATTACHMENT.

14. The costs of the first order of attachment and of the execution thereof shall have priority over all execution debts and other costs. R.S.O. 1897, c. 79, s. 10.

Costs of first attachment.

[As to sales of shares, etc., in Companies, see secs. 10 to 16 of "The Execution Act," Cap. 77.]

## ATTACHMENT OF DEBTS DUE TO ABSCONDING DEBTOR.

15.—(1) Where notice in writing of the order of attachment has been duly served by the sheriff, or by or on behalf of the plaintiff, upon a person owing a debt or demand to, or who has the custody or possession of property of the defendant, and such person after such notice pays the debt or demand or delivers the property to the defendant or to any one for him, he shall be deemed to have done so fraudulently, and if the other property seized by the sheriff is insufficient to satisfy the claims of all creditors who are or become entitled to be paid out of the same or the proceeds thereof, such person shall be liable to the sheriff for the amount of the debt or demand so paid or for the property so delivered or the value thereof. R.S.O. 1897, c. 79, s. 11.

Liability of persons paying debts to absconding debtor after notice of attachment.

(2) The sheriff shall not be bound to sue until a bond is given by one or more of the plaintiffs or claimants with two sufficient sureties, who may be other of the plaintiffs or claimants, payable to the sheriff by his name of office in double the amount of the debt or of the value of the property sued for, conditioned to indemnify him from all costs, loss and expense which he may incur in the prosecution of the action or to which he may become liable in consequence thereof. R.S.O. 1897, c. 79, s. 15.

Sheriff not bound to sue until creditor gives bond of indemnity.

(3) If after the notice mentioned in subsection 1, a person indebted to the defendant, or having the custody or possession of any of his property, is sued for the debt, demand or property by the defendant, or by the person to whom he has assigned the debt, demand or property since the date of the order of attachment, he may, on affidavit, apply to the Court or a Judge, to stay proceedings in the action, until it is known whether the other property seized by the sheriff is sufficient to satisfy the claims mentioned in subsection 1, and the Court or Judge may direct an issue to try any disputed question of fact or make such other order as may seem just. R.S.O. 1897, c. 79, s. 12.

Debtor if sued by defendant after service of notice of attachment may obtain stay of proceedings.

16. If the other property of the defendant proves insufficient to satisfy the executions against him and the claims certified under *The Creditors Relief Act*, and there remain debts due to the defendant, the attempt to collect

Sale of debts by sheriff.

Rev. Stat. c. 78.

which

which would be less beneficial to his creditors than a sale thereof, the sheriff may, by leave of the Court or a Judge, sell such debts by public auction after such advertisement as the Court or Judge may direct, and pending such advertisement the sheriff shall keep a list of the debts to be sold open for inspection at his office, and shall give free access to all documents and vouchers explanatory of such debts; but every debt amounting to more than \$100 shall be sold separately, unless the Court or Judge shall otherwise direct. R.S.O. 1897, c. 79, s. 16.

[See section 5 of *The Creditors Relief Act*.]

Purchaser  
entitled to sue  
in his own  
name.

17.—(1) The person who purchases a debt from the sheriff may sue for it in his own name, and a bill of sale, Form 1, executed by the sheriff, shall be *prima facie* evidence of such purchase and of the sheriff's authority to sell without proof of the handwriting of the sheriff, or of the execution or order, or of the sale.

What defence  
may be set up.

(2) In an action by the purchaser the defendant may set up any defence which would have availed him against the absconding debtor at the date of the order of attachment. R.S.O. 1897, c. 79, s. 17.

#### PROCEEDINGS UNDER CREDITORS RELIEF ACT.

Plaintiff may  
proceed under  
Creditors  
Relief Act.

18. Where the plaintiff desires to avail himself of the provisions of *The Creditors Relief Act* he may, instead of proceeding with his action, obtain a certificate; and, in that case, may add the costs incurred in the action to the amount of his claim, unless the Court or a Judge otherwise orders. (*New.*)

#### DELIVERY UP OF PROPERTY.

If no execution  
in sheriff's  
hands within  
three months  
property to be  
delivered up.

19. Where an order of attachment has been made but no execution at the suit of any creditor against the property of the debtor is placed in the sheriff's hands for execution within three months thereafter or within such further time as the Court or Judge may direct, all the property of the absconding debtor, or unappropriated money the proceeds of any part of such property remaining in the sheriff's hands, together with all books of account, evidences of title, or of debt, vouchers and papers whatsoever belonging thereto, shall be delivered to the absconding debtor or to his authorized agent, or to the person in whose custody the same were found, or, if taken or received under section 10, to the constable, bailiff or clerk from whom the same were taken or received upon being repaid the amount, if any, which the sheriff may have paid under the provisions of subsection 2 of section 10, and thereupon the responsibility of the sheriff in respect thereto shall determine,

or if a bond has been given under the provisions of section 13, the bond shall be delivered up to be cancelled. R.S.O. 1897, c. 79, s. 20.

REPEAL.

20. The Consolidated Rules of the Supreme Court, numbered 1058 to 1066 and chapter 79 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed. <sup>Repeal.</sup>

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FORM 1.

BILL OF SALE OF A DEBT.

(Section 17.)

In consideration of \$ , the receipt whereof I hereby acknowledge:

I, A. B., Sheriff of the County of , under and by virtue of an order of attachment dated , issued under *The Absconding Debtors Act*, against the real and personal property of C. D., an absconding debtor, and under and by virtue of an order in that behalf, hereby sell and assign to E. F., all claim by the said C. D. against G. H., of (*describing the debtor*), with the evidences of debt and the securities thereto appertaining.

Witness my hand and seal of office, this            day of            19 .

A. B.,  
Sheriff of the County of

R.S.O. 1897, c. 79, Sched.

## CHAPTER 50.

## An Act respecting the Arrest of Fraudulent Debtors.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.	PROVISION IN CASE OF SEPARATION OF UNITED COUNTIES, s. 50.
INTERPRETATION, s. 2.	LIABILITY OF SHERIFF FOR ESCAPE, s. 50.
ORDER FOR ARREST, ss. 3-9.	DISCHARGE OF DEBTOR FROM CUSTODY, ss. 51-58.
ARREST OF DEFENDANT, ss. 10-14.	Examination of debtor on application for discharge, ss. 52, 53.
SECURITY IN THE ACTION, ss. 15-21.	Conditions of Discharge, ss. 54-57.
DELIVERY OF STATEMENT OF CLAIM IN ACTION, s. 22.	DISCHARGE OF DEBTOR BY ORDER OF PLAINTIFF'S SOLICITOR, s. 58.
ORDER TO BRING IN THE BODY, ss. 23, 24.	OTHER WRITS OF EXECUTION, s. 59.
APPLICATION FOR DISCHARGE FROM CUSTODY, ss. 25, 26.	APPLICATION OF JUDICATURE ACT AND RULES, s. 60.
SURRENDER BY SURETIES, s. 27.	REPEAL, s. 61.
WRITS OF CA. SA., ss. 28-32.	
DELAY BEFORE COMMITTAL TO GAOL, ss. 33-34.	
SECURITY FROM DEBTORS IN CIVIL CUSTODY, ss. 35-47.	
EXAMINATION OF DEBTOR ON BAIL, s. 48.	

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title.      1. This Act may be cited as "*The Fraudulent Debtors Arrest Act.*"
- Interpretation.    2. In this Act,
- "County."        (a) "County" shall include District.
- "County Court."    (b) "County Court" shall include District Court.
- "Sheriff."        (c) "Sheriff" shall include any officer to whom an order for arrest is delivered for execution.

ORDER



## ORDER FOR ARREST.

3.—(1) Where a person by affidavit of himself or some other person shews to the satisfaction of a Judge of the High Court or of a County Court that he has a cause of action against a person liable to arrest to the amount of not less than \$100, and also such facts and circumstances as satisfy the Judge that there is good and probable cause for believing that such person unless he be forthwith apprehended is about to quit Ontario with intent to defraud his creditors generally or the applicant in particular, the Judge may order that the person against whom the application is made, shall be arrested and shall give security for such sum as the Judge thinks fit.

Defendant may be held to bail on affidavit of certain facts and order of a judge.

(2) A Judge of a County Court may make an order for arrest in the High Court, as well as in his own Court.

Order of County Court Judge.

(3) The order may be made as well before as after an action has been commenced.

Order before action.

(4) Where the order is made before action, unless an action is commenced and notice thereof is given to the Sheriff within two days after the date of the order or within such further time as the Judge may by the order allow the order shall be superseded and the person against whom it was made shall if under arrest be entitled to be discharged out of custody.

Action after order.

4. An order for arrest shall be in force for two months from the date thereof, and no longer; but on the expiration thereof a new order may be obtained in the manner provided by this Act. Con. Rule 1023.

Order to be in force for two months.

5.—(1) Every order of the High Court and of a County Court directing payment of money or of costs, charges or expenses, so far as it relates thereto, shall be deemed a judgment, and the person to receive payment a creditor, and the person to make payment a debtor, within the meaning of this Act. R.S.O. 1897, c. 80, s. 9.

Orders for payment of money to be deemed judgments.

(2) Where the judgment or order directs the payment of money into Court, or otherwise than to any person, the person having the carriage of the judgment or order, so far as relates to the payment, shall be deemed the person to receive payment or the plaintiff, as the case may be, within the meaning of this Act. R.S.O. 1897, c. 80, s. 10.

Person having carriage of the judgment, etc., to be deemed the plaintiff.

6. Where an order for arrest is made in an action for alimony, the amount for which security is to be given shall not exceed what may be considered sufficient to cover the amount of future alimony for two years, besides arrears and costs, but may be for less at the discretion of the Judge. Con. Rule 1022.

Limit of security in alimony.

Concurrent  
order for arrest.

7. Concurrent or duplicate orders may be issued from time to time in like manner and form as the original order, and shall be in force for the same period as the original order and no longer. Con. Rule 1024.

Costs.

8. Unless otherwise ordered the costs of and incidental to an order for arrest shall be costs in the cause. Con. Rule 1026.

Order and  
copies to be  
delivered to  
Sheriff.

9. The order, and as many copies thereof as there are persons intended to be arrested thereon shall be delivered to the sheriff, and the plaintiff or his solicitor may direct the sheriff to arrest one or more of the persons therein named, which direction shall be obeyed by the sheriff or officer. Con. Rule 1025.

#### ARREST OF DEFENDANT.

Sheriff to exe-  
cute order  
within two  
months from  
date.

10. The sheriff shall, within two months from the date of the order, but not afterwards execute the same according to the exigency thereof, and shall upon or immediately after the execution of the same cause one copy thereof to be delivered to the person whom he is directed to arrest, and shall exhibit the original order to him. Con. Rule 1027.

Indorsement of  
date of arrest  
on order.

11. The sheriff shall, within two days after the arrest, indorse on the order the true date of the arrest. Con. Rule 1028.

Privileged  
persons not to  
be arrested.

12. No person shall be subject to arrest who, by reason of any privilege, usage or otherwise, is by law exempt therefrom. R.S.O. 1897, c. 80, s. 4.

Arrest for non-  
payment of  
money, costs,  
etc., abol-  
ished.

13. No person shall be liable to arrest for contempt for non-payment of any sum of money or of any costs, charges or expenses payable by a judgment or order of the High Court or of a Judge thereof or of a County Court or of a Judge thereof; and no person shall be liable to arrest for non-payment of costs. R.S.O. 1897, c. 80, s. 5.

No married  
woman to be  
arrested.

14. A married woman shall not be liable to arrest on mesne or final process. R.S.O. 1897, c. 80, s. 6.

#### SECURITY IN THE ACTION.

Security by  
defendant in  
action.

15. The security in the action to be given by the defendant, pursuant to the order for arrest, may be by payment into court of the amount mentioned in the order, or by a bond to the plaintiff by the defendant and two sufficient sureties, or, with the leave of the Judge or  
Officer

Officer who allows the bond, either one surety or more than two, or with the plaintiff's consent by any other form of security. Con. Rule 1036.

16. Where the security is given by bond the condition shall be that the defendant will pay the amount by any judgment in the action adjudged to be recovered or directed to be paid, either as a debt or for damages or costs, or will render himself to the custody of the Sheriff of the county in which the action has been commenced or that the sureties will do so for him. Con. Rule 1037 (1). Condition of bond.

17. A person who has been indemnified for so doing by a solicitor concerned for the defendant, shall not be a surety in such bond. Con. Rule 1038. Person indemnified by defendant's solicitor may not be surety.

18. Where the plaintiff's claim exceeds \$4,000 it shall be sufficient for each surety to justify in \$4,000 beyond the amount of the claim. Con. Rule 1039. Justification when claim over \$4,000.

19. The bond shall be filed in the office in which the action was commenced, and may be allowed by the proper officer in such office or by the Local Judge or Master, upon service upon the plaintiff or his solicitor of notice of the filing of the bond and of the names and addresses of the sureties and a copy of an appointment from such officer, Local Judge or Master at least forty-eight hours, unless otherwise directed by the officer, Judge or Master, before the time named in the appointment. Con. Rule 1040. Allowance of bond.

20.—(1) Where security is desired to be given by payment of money into Court the same may be paid in without an order, and shall stand as security to the plaintiff that the defendant will pay the amount by the judgment in the action adjudged to be recovered or directed to be paid either as a debt or for damages or costs, or will render himself to the custody of the Sheriff of the county in which the action has been commenced. Security by payment into Court.

(2) After the payment of money into Court, a bond, or other security, in section 15 mentioned, may be substituted therefor and the money paid in shall be repaid upon the production of a certificate of the allowance of the bond or other security signed by the officer allowing the same, or by the plaintiff's solicitor. Con. Rule 1041.

21.—(1) The money paid in and the security, and all proceedings thereon shall be subject to the order and control of the Court or a Judge. Con. Rule 1042. Security in control of Court.

Discharge of  
defendant on  
giving security.

(2) The delivery to the sheriff executing the order for arrest of a certificate of the Accountant of the Supreme Court of the payment of the money into Court, or of a certificate of the allowance of the bond or other security signed by the officer allowing the same, or by the plaintiff or his solicitor, to the Sheriff, shall entitle the defendant to be discharged out of custody. Con. Rule 1043.

#### DELIVERY OF STATEMENT OF CLAIM IN ACTION.

Time for  
delivery of  
statement of  
claim.

22. Where a defendant is taken or detained in custody under an order for arrest in default of giving security, the plaintiff, if he has not already delivered his statement of claim, shall deliver the same within one month after the arrest, or within the time prescribed by the Rules of the Supreme Court, whichever shall be the earlier date, otherwise the defendant shall, unless further time is allowed by the Court or a Judge, be entitled to be discharged out of custody. Con. Rule 1044 (1).

#### ORDER TO BRING IN THE BODY.

Order to bring  
body into  
Court.

23.—(1) Where, on the expiration of an order to return an order for arrest, the Sheriff returns *cepi corpus* thereon, an order may thereupon issue requiring the Sheriff within six days after the service of the order, to bring the defendant into Court, by bringing in the body or by causing security in the action to be given, and if the Sheriff does not obey the order, an attachment may be granted for disobedience thereof.

Attachment  
for disobeying  
order.

Where Sheriff  
goes out of  
office.

(2) Where a Sheriff before going out of office, makes an arrest, and takes security under the order for arrest and makes a return of *cepi corpus*, the order shall and may, within the time allowed by law, be directed to him, notwithstanding that he may be out of office before the order is issued. Con. Rule 1045.

Order to set  
aside attach-  
ment or stay  
proceedings on  
bond—affidavit  
of merits, etc.

24. An order shall not be made for setting aside an attachment regularly obtained against a Sheriff for not bringing in the body, or for staying proceedings regularly commenced on the assignment of a bail bond, unless the application for the order, if made on the part of the original defendant, be grounded on an affidavit of merits, or, if made on the part of the Sheriff, or a surety, or any officer of the Sheriff, unless the application be grounded on an affidavit shewing that the application is really and truly made on the part of the Sheriff, or surety, or officer of the Sheriff, as the case may be, at his or their own expense, and for his or their indemnity only, and without collusion with the original defendant. Con. Rule 1046.

#### APPLICATION

## APPLICATION FOR DISCHARGE FROM CUSTODY.

25.—(1) A person arrested upon an order for arrest may apply to the Court or a Judge, for an order that he be discharged out of custody; and the Court or Judge, subject to appeal, may make such order thereon as may seem just.

Application for discharge from custody by defendant.

(2) A Judge of a County Court making an order for arrest, whether in the High Court or in his own Court, shall, in respect to such order and the arrest made thereupon, possess all the powers of a Judge of the High Court under this section, and may in like manner, on application to him, order the defendant to be discharged out of custody, or make such order therein as to him seems just.

Power of County Court Judge.

(3) Any such order made by a Judge of a County Court may be discharged or varied by a Divisional Court. Con. Rule 1047.

Divisional Court may discharge order of County Court Judge.

26. Where the defendant is described in the order for arrest, or affidavit therefor, by initials, or by wrong name, or without a Christian name, he shall not for that cause be discharged out of custody, or the security be delivered up to be cancelled. Con. Rule 1048.

Misnomer of defendant in order for arrest.

## SURRENDER BY SURETIES.

27.—(1) The sureties may at any time surrender their principal to the Sheriff of the county in which the principal is resident or found, and the Sheriff shall receive the principal into his custody, and give the sureties a certificate under his hand and seal of office of the surrender, for which certificate he shall be entitled to the sum of one dollar.

Surrender of debtor by sureties.

(2) A Judge of the Court in which the action is pending, upon proof of due notice to the plaintiff or his solicitor of the surrender, and upon production of the Sheriff's certificate thereof, shall order the security to be cancelled, and thereupon the sureties shall be discharged. Con. Rule 1049.

Order to cancel security and discharge of sureties.

(3) Where a person is surrendered by his sureties to the Sheriff of any county other than that in which he resides or carries on business, he shall be entitled to be transferred to the gaol of his own county on prepaying the expenses of his removal; and the Sheriff in whose county he was arrested may transfer him accordingly; but if the Sheriff declines to act without an order of the Court or a Judge, such order may be made on the application of the person arrested, upon notice to the opposite party. Con. Rule 1050.

Transfer of person arrested out of his county.

## WRITS OF CAPIAS AD SATISFACIENDUM.

Where defendant held to special bail *ca. sa.* may issue.

28.—(1) Where a defendant has been arrested and has given security in the action pursuant to the order for arrest or is imprisoned or detained in custody in default of giving security, unless he has been discharged under the provisions of section 54, any judgment which the plaintiff may obtain in the action may be enforced by writ of *cavias ad satisfaciendum* without an order therefor; but where the defendant is so imprisoned or detained in custody the plaintiff shall issue such writ within fourteen days after he has become entitled to enter final judgment.

When to obtain *ca. sa.* affidavits necessary and the contents thereof.

(2) Where the defendant has not been arrested, or has been discharged under the provisions of section 54, if the plaintiff, by the affidavit of himself or of some other person shews to the satisfaction of a Judge of the High Court, or where the action is in a County Court, to a Judge of such Court, that he has recovered judgment against the defendant for not less than \$100, exclusive of costs, and also such facts and circumstances as satisfy the Judge that there is good and probable cause for believing either that the defendant, unless he be forthwith apprehended, is about to quit Ontario with intent to defraud his creditors generally or the plaintiff in particular, or that the defendant has parted with his property or made some secret or fraudulent conveyance thereof in order to prevent its being taken in execution, the Judge may order that a writ of *cavias ad satisfaciendum* be issued. R.S.O. 1897, c. 80, s. 8.

*Ca. sa.* when returnable.

(3) Every writ of *cavias ad satisfaciendum* against a debtor who has not been previously arrested or who has not given security pursuant to an order for arrest shall be returnable immediately after the execution thereof, and shall continue in force for two months from the day of the issue thereof, and no longer, but on the expiration thereof another writ may be obtained upon a Judge's order as provided by section 6. Con. Rule 874.

Writ to fix liability of sureties.

29.—(1) A writ of *cavias ad satisfaciendum* issued for the purpose of fixing the liability of the sureties shall be returnable on a day certain to be named therein not later than fourteen days from the date of the teste of the writ, and shall be delivered to the Sheriff of the county in which the action was commenced eight clear days before the return day so named.

(2) The sureties shall take notice of the delivery of the writ, and it shall not be necessary for the plaintiff to give them any further or other notice thereof. Con. Rule 1052.

No action on security till after return of *ca. sa.*

30.—(1) An action shall not be brought upon the bond or other security given in an action pursuant to an order for

for arrest until after the return of a writ of *capias ad satisfaciendum* for the purpose of fixing the liability of the sureties.

(2) To such a writ the Sheriff may return *non est inventus*, without taking any steps to arrest the defendant, unless he is already in, or is rendered into, his custody. Con. Rule 1053.

31. In an action upon the bond the sureties shall only be liable for the amount recovered by the plaintiff in the action in which the bond was given, and the costs of suit, not exceeding in the whole the amount of the penalty in the bond. Con. Rule 1054. Limitation of liability of sureties.

32.—(1) Subject to section 27, where the plaintiff brings an action on the bond or other security, the sureties shall be at liberty to satisfy the bond or security by rendering their principal to the custody of the Sheriff of the county in which the action was brought at any time within eight days next after service of the writ of summons upon them, but not at any later period; and, upon notice thereof being given to the plaintiff or his solicitor, the action shall be stayed and the plaintiff shall be entitled to the costs of the action up to the date of service of the notice. Sureties sued may surrender their principal. Stay on surrender.

(2) Such costs may be taxed upon production of the notice so served without an order and if not paid within four days from taxation, the plaintiff may, without an order, sign judgment therefor. Con. Rule 1055. Costs.

#### DELAY BEFORE COMMITTAL TO GAOL.

33. The Sheriff, at the request of the person arrested, and upon being prepaid a sum of money sufficient to cover the Sheriff's reasonable fees and expenses incident to the delay, shall grant to such person a delay of twenty-four hours after the arrest before committing him to gaol, and shall take him for the said twenty-four hours to some safe and convenient house in his county. Con. Rule 1029. Delay of 24 hours before committal

#### CUSTODY OF PERSONS ARRESTED.

34. A person arrested and imprisoned in any other county than that in which he resides or carries on business, shall be entitled to be transferred to the gaol of his own county, on prepaying the expenses of his removal; and the Sheriff in whose county he was arrested may transfer him accordingly; but if the Sheriff declines to act without an order of the Court or a Judge, such order shall be made on the application of the person arrested, upon notice to the opposite party. R.S.O. 1897, c. 80, s. 13. Person arrested out of his county may be transferred to it upon paying the cost.



## SECURITY FROM DEBTORS IN CUSTODY.

Bail by payment into Court or bond to Sheriff.

**35.**—(1) At any time before the expiration of 10 days from the date of the arrest the defendant shall be entitled to be released from custody upon paying into Court without special order, the amount named in the order for arrest, together with \$40, to answer the costs which may have accrued up to the time limited for giving security in the action pursuant to the order for arrest, or upon giving to the Sheriff a bail bond, with two sufficient sureties in a penal sum double the amount named in the order for arrest, and upon payment of the Sheriff's fees, including the cost of the bond.

(2) Money so paid into Court shall remain in Court, subject to order of the Court or Judge, as security to the plaintiff that the defendant will cause security in the action to be given pursuant to the order for arrest. Con. Rule 1030.

Sheriff may take security from debtors in custody.

**36.** The Sheriff may take from a debtor confined in the gaol of his county upon mesne process, a bond with not less than two nor more than four sufficient sureties, to be jointly and severally bound in a penal sum of double the amount for which the debtor is so confined, conditioned that the debtor will observe and obey all notices or orders of Court touching or concerning the debtor, or his appearing to be examined *viva voce*, or his returning and being remanded into close custody, and that upon reasonable notice to them or any of them, requiring them so to do, they will produce the debtor to the sheriff, and also that the debtor will within thirty days, cause the bond, or the bond that may be substituted for the same, according to the provisions hereinafter contained, to be allowed by the Judge of the County Court of the County wherein the debtor is confined, and the allowance to be endorsed thereon by the Judge. R.S.O. 1897, c. 80, s. 15.

Surety to make affidavit, etc.

**37.** The Sheriff may also require each surety, where there are only two, to make oath in writing, to be annexed to the bond, that he is a freeholder or householder in some part of Ontario (stating where), and is worth the sum for which the debtor is in custody (naming it) and \$200 more, over and above what will pay all his debts; or where there are more than two sureties, then he may require each surety to make oath as aforesaid, that he is a freeholder or householder as aforesaid, and is worth one-half the sum for which the debtor is in custody (naming it), and \$200 more, over and above what will pay all his debts. R.S.O. 1897, c. 80, s. 16.



38. Upon receipt of the bond, accompanied by an affidavit of a subscribing witness of the due execution thereof, and by the sureties' affidavits of sufficiency, if required by the sheriff, the sheriff may permit and allow the debtor to go out of close custody; and so long as the debtor in all respects observes the conditions of the bond, the sheriff shall not be liable to the party at whose suit the debtor is confined in any action for the escape of the debtor from gaol. R.S.O. 1897, c. 80, s. 17.

On receipt of bond, sheriff may allow the debtor to go at large.

39.—(1) The debtor may apply for the allowance of the bond upon four clear days' notice in writing to the plaintiff or his solicitor, who at the time of the application may object to the sufficiency of the sureties; and if the Judge refuses to allow the bond, the debtor may cause another bond, made to the sheriff in the same terms and under the same conditions, to be executed without further application to the sheriff, and may apply in like manner and upon like notice for the allowance thereof; and the bond, if allowed and endorsed as aforesaid, shall be substituted for and have the like effect in all respects as the bond first given to the Sheriff would have had upon the allowance thereof and the like remedies may be had thereon, and the first given bond shall thereupon become void. R.S.O. 1897, c. 80, s. 18.

Application for allowance of bond to be made on motion, etc.

(2) The sheriff shall, upon reasonable notice given by the debtor, cause the bond to be produced before the Judge.

40. Upon the allowance being so indorsed, the Sheriff shall be discharged from all responsibility respecting the debtor, unless he is again committed to the close custody of the sheriff in due form of law. R.S.O. 1897, c. 80, s. 19.

When bond allowed, sheriff discharged from responsibility.

41. In lieu of giving the bond provided for by section 36, the debtor or any person on his behalf may deposit with the Sheriff the amount for which he is arrested, and where the person is held under an order for arrest the further sum of \$40, and such deposit shall stand as security in place and for the purposes of the bond provided for by sections 35 and 36, and the money so deposited shall be subject to the order of a Judge of the Court in which the order of arrest was made, but such deposit shall be repayable to the person making it upon the Sheriff being furnished with a certificate of the Judge or officer who allows the same, that the bond provided for by sections 35 and 36 has been perfected and allowed. R.S.O. 1897, c. 80, s. 21; 62 V. (2), c. 7, s. 7.

Deposit in lieu of bail on arrest under civil process.

42.—(1) Where the Sheriff has good reason to apprehend that a surety after entering into the bond has become insufficient to pay the amount sworn to in his affidavit of sufficiency

If the sureties become insufficient, sheriff may re-take the debtor.

sufficiency the Sheriff may again arrest the debtor, and detain him in close custody, and such arrest shall discharge the sureties from all liability on the bond. R.S.O. 1897, c. 80, s. 22.

The sureties may plead such arrest.

(2) The sureties of the debtor may set up the arrest and detention as a defence to an action brought against them upon the bond entered into by them, and the defence, if sustained in proof, shall wholly discharge them.

(3) The debtor may again be allowed to go out of close custody, on giving to the Sheriff a new bond with sureties as aforesaid. R.S.O. 1897, c. 80, s. 23.

Assignment of bail bond.

43.—(1) Where default is made in compliance with the conditions of a bail bond to the Sheriff, the Sheriff shall upon the request and at the cost of the plaintiff assign the bond to him, and he may bring an action thereon in his own name.

Sheriff discharged on assigning bond.

(2) Upon executing the assignment the Sheriff shall thenceforth be discharged from all liability on account of the debtor or his safe custody.

Re-arrest on default of security in action

(3) Where the bond is taken under the provisions of section 35, if the plaintiff does not take an assignment of it within five days after default, the Sheriff may rearrest the defendant in any county and bring him into his own county and detain him in custody until he has given and obtained the allowance of security in the action pursuant to the order for arrest. (See R.S.O. 1897, c. 80, s. 24, and Con. Rules 1031 and 1032.)

Security may be given after default.

44. Notwithstanding the default the defendant may at any time before judgment in an action brought upon the bail bond to the Sheriff or before the expiration of any order to bring in the body, give security in the original action pursuant to the order for arrest. Con. Rule 1033.

No action on bond pending order to bring in body.

45. The plaintiff shall not be at liberty to proceed upon the bail bond to the Sheriff pending an order to bring in the body of the defendant. Con. Rule 1034.

Action on bond subject to discretion of Court

46. Where an action is brought upon the bail bond to the Sheriff the Court or a Judge may upon application in such action give such relief to the plaintiff and defendant in the original action and to the sureties in the bail bond as may be just and reasonable and the order made on any such application shall have the effect of a defeasance to the bail bond. Con. Rule 1035.

Sureties may surrender debtors.

47.—(1) The sureties of a debtor may surrender him into the custody of the Sheriff at the gaol, and the Sheriff, or gaoler shall there receive him into custody, and the sureties

sureties may set up the surrender or the offer to surrender and the refusal of the Sheriff or gaoler to receive the debtor into custody at the gaol as a defence to any action brought on the bond for a breach of the condition happening after such surrender or tender and refusal and the defence if sustained in proof shall discharge them.

(2) The debtor may again be allowed to go out of close custody, on giving to the Sheriff a new bond, with sureties as aforesaid. R.S.O. 1897, c. 80, s. 25. Debtor may give new bond.

48.—(1) The party at whose suit a debtor has been confined in execution may, at any time while the debtor is at large upon bail, apply to the Court or a Judge for an order for the examination *viva voce* on oath of the debtor, touching the matters mentioned in section 53, and if the debtor does not submit himself to be examined pursuant to the order, or refuses to make full answer in respect to the matters touching which he is examined, to the satisfaction of the Court or a Judge, the Court or Judge may order the debtor to be committed to close custody, and the sheriff, on due notice of the order, shall forthwith take the debtor and commit him to close custody until he obtains an order of the Court or a Judge for again allowing him to go out of close custody, on giving the necessary bond as aforesaid, or until he is otherwise discharged in due course of law. R.S.O. 1897, c. 80, s. 26. Debtor on bail liable to be examined.  
Or to be re-committed.

(2) An order for the discharge of the debtor may be made on his shewing that he has submitted himself to be examined and made full answer as aforesaid and has thereafter given to the plaintiff or his solicitor five days' notice of his intention to apply. R.S.O. 1897, c. 80, s. 27. On answering debtor may be again allowed to go at large.

49.—(1) Where a union of counties is dissolved or a county is separated from a union of counties a person arrested or who has given security in the action before the separation or dissolution and is liable to be imprisoned shall be imprisoned in the gaol of the county in which he was arrested. Proceedings under bailable process in case of dissolution of a union of Counties.

(2) All proceedings in the action, and all proceedings after judgment founded on the arrest or the security given, shall be carried on as if the arrest had taken place or the security had been given in such county as a separate county; and all the records and papers relating to the action shall be transmitted to the proper officer of the county in which the debtor was arrested. R.S.O. 1897, c. 80, s. 30. Who has give security in the action.

Gaol for debtor where united counties, dissolved.

(3) Where a debtor or other person is admitted to bail in a union of counties, and the union is afterwards dissolved, or one or more counties are separated therefrom, and such person is afterwards surrendered or ordered to be committed to close custody, he shall be surrendered or committed to the sheriff of the county in which he was arrested, and be imprisoned in the gaol thereof. R.S.O. 1897, c. 80, s. 31.

#### LIABILITY OF SHERIFF FOR ESCAPE.

Sheriff only to be liable for damages sustained.

50. If a debtor in execution escapes out of legal custody, the sheriff, bailiff, or other person having the custody of the debtor, shall be liable only to an action for damages sustained by the person at whose suit the debtor was taken or imprisoned, and shall not be liable to any other action in consequence of the escape. R.S.O. 1897, c. 80, s. 32.

#### DISCHARGE OF DEBTOR FROM CUSTODY.

A debtor in custody in execution, may apply to be discharged.

51. A debtor in close custody in execution or on mesne process, and a debtor arrested under a writ of *capias ad satisfaciendum*, though he is not in close custody but has given bail, may, after giving to the person at whose instance he is in close custody or has been so arrested ten days' notice in writing of his intention to do so, apply to the Court or a Judge to be discharged. R.S.O. 1897, c. 81, s. 8, *part amended*.

Examination of debtor as to his property, etc.

52. Where the notice is given by a debtor in close custody in execution or by a debtor who has been arrested under a writ of *capias ad satisfaciendum* and has given bail, the person at whose instance he is in close custody or has been so arrested may apply to the Court or a Judge for an order that the debtor be examined *viva voce* on oath for the purpose of discovering any property or effects which he is possessed of or entitled to, or which are in the possession or under the control of any other person for the use or benefit of the debtor, or which the debtor having been in possession of may have fraudulently disposed of for the purpose of hindering, delaying, defrauding or defeating his creditors, and touching the debtor's estate and effects and the circumstances under which he contracted the debt or incurred the liability which was the subject of the action in which judgment has been recovered against him, and as to the means and expectations he then had, and as to the property and means he still has, and as to the disposal he may have made of any of his property. R.S.O. 1897, c. 81, s. 8, *part*.

Application of debtor for discharge.

53.—(1) Upon an application under section 51 and upon the debtor making oath that he is not worth \$20, exclusive of

of his goods and chattels exempt from seizure under execution, and, in the case of a debtor in execution, that he has submitted himself to be examined pursuant to any order which may have been made for his examination or that no order for his examination has been served, and where such examination has been had if the matter thereof is deemed satisfactory and, in the case of a debtor confined in close custody on mesne process, that he does not believe the demand of the plaintiff to be just and for that reason and no other resists payment of it and refuses to suffer judgment to be entered against him for the sum sworn to, and if the cross examination, if any, of the debtor upon his affidavit is deemed satisfactory, the debtor shall be discharged from custody, but the discharge shall not be a release or satisfaction of the judgment or of the claim of the plaintiff or deprive the plaintiff of any remedy against the debtor or his property. R.S.O. 1897, c. 81. s. 9, *amended*.

Discharge and its effects.

(2) A debtor in close custody upon mesne process may be cross examined upon his affidavit according to the practice of the court as to cross examination upon an affidavit on a motion.

Cross examination of debtor on affidavit.

54. In the case of a debtor in execution it may be made a condition of his discharge that he shall first, by assignment or conveyance to be approved of by the Court or Judge, assign and convey to an assignee for the benefit of his creditors any right or interest he may have in and to any property real or personal, credits or effects, other than goods and chattels exempt from seizure under execution, and in the case of a debtor in close custody on mesne process it may be made a condition of his discharge that he shall first suffer the plaintiff to have judgment against him for the sum sworn to or such part thereof as to the Court or Judge may seem just. R.S.O. 1897, c. 81, s. 11.

Discharge may be on condition of assignment by debtor.

55. In the case of a debtor in execution, if it appears that the debt for which he is in close custody or has been arrested was contracted by fraud or breach of trust or under false pretences or that he wilfully contracted the debt without having had at the time a reasonable expectation of being able to pay or discharge it and with intent to defraud, the Court or Judge may order the debtor to be remanded into close custody for any period not exceeding twelve months and to be then discharged. R.S.O. 1897, c. 81, s. 12, *part*.

Re-committal for not more than 12 months, in cases of fraud, etc.

56. Where the discharge has been unduly or fraudulently obtained by a false allegation of circumstances which, if true, would have entitled the debtor to be discharged, he shall, upon the same being made to appear

Debtor unduly obtaining discharge may be retaken in execution.

appear to the satisfaction of the Court or a Judge, be liable to be again taken in execution or remanded to his former custody by order of the Court or Judge. R.S.O. 1897, c. 81, s. 13, *amended*.

Debtor to be taken before the Judge for examination.

57. The Court or Judge making an order for the examination of a debtor under this Act may direct the sheriff or gaoler having the custody of the debtor, to bring him before the Court or Judge or before some person to be named in the order for the purpose of being examined, and the sheriff or gaoler shall take the debtor before the Court or Judge or the person so named for examination in the same manner as if the sheriff or gaoler were acting in obedience to a writ of *habeas corpus ad testificandum*. R.S.O. 1897, c. 81, s. 14.

#### DISCHARGE BY ORDER OF PLAINTIFF'S SOLICITOR.

On what authority sheriffs may discharge debtors from custody.

58. A written order under the hand of the judgment creditor or of the solicitor by whom a writ of *capias ad satisfaciendum* has been issued, shall justify the Sheriff, gaoler or officer in whose custody the debtor is under the writ, in discharging him, unless, where the order is given by the solicitor, the party for whom such solicitor professes to act has given written notice to the contrary to the Sheriff, gaoler or officer: but such discharge shall not be a satisfaction of the debt; and nothing herein contained shall justify the solicitor in giving an order for discharge without the consent of his client. Con. Rule 899.

#### OTHER WRITS OF EXECUTION.

When plaintiff may issue other writs.

59. Neither the taking of a debtor in execution under a writ of *capias ad satisfaciendum* nor his imprisonment thereunder or under the provisions of this Act nor his discharge from custody by the voluntary action of his creditor or under the powers conferred by this Act shall operate as a satisfaction or extinguishment of the debt or deprive the creditor of the right to take out execution or other process against the property of the debtor or to take any other proceeding against him in the same manner as if the debtor had not been taken in execution or discharged out of custody.

#### APPLICATION OF JUDICATURE ACT AND RULES.

Judicature Act and Rules to apply to this Act. Rev. Stat. c. 51.

60. Subject to section 61, *The Judicature Act* and Rules of Court shall apply to this Act. R.S.O. 1897, c. 81, s. 15.

**REPEAL.**

61. Chapter 80, except section 11, chapter 81, sections 24, 25 and 26 of chapter 324 of the Revised Statutes, 1897, and Consolidated Rules of the Supreme Court, 874, 899 and 1021 to 1057 are repealed, but the forms prescribed by such Rules may continue to be used. <sup>Repeal.</sup>

## CHAPTER 51.

## An Act for more effectually securing the Liberty of the Subject.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.

HABEAS CORPUS AD SUBJICIENDUM, WHEN AWARDED, s. 2.

PROCEEDINGS IN CASE OF DISOBEDIENCE TO WRIT, ss. 3-5.

CERTIORARI TO BRING PAPERS AND PROCEEDINGS BEFORE THE COURT, s. 6.

PROCEEDINGS FOR INQUIRING INTO TRUTH OF RETURN, s. 7.

APPEAL TO THE COURT OF APPEAL FROM A REMANDMENT TO CUSTODY, s. 8.

ACT TO EXTEND TO ALL CASES WHERE WRIT ISSUES, s. 9.

POWER TO MAKE RULES, s. 10.

REPEAL, s. 11.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Ontario Habeas Corpus Act*."

In what cases  
*habeas corpus ad  
subjiciendum*  
may be award-  
ed, and by  
whom.

2.—(1) Where a person other than a person imprisoned for debt, or by process in any action, or by the judgment, conviction or order of the High Court, Court of General Sessions of the Peace or other Court of Record is confined or restrained of his liberty a Judge of the High Court upon complaint made by or on behalf of the person so confined or restrained, if it appears by affidavit that there is reasonable and probable ground for the complaint, shall award a writ of *habeas corpus ad subjiciendum* directed to the person in whose custody or power the person so confined or restrained is, returnable immediately before the Judge so awarding the same, or before any Judge of the High Court, or before a Divisional Court of the High Court. R.S.O. 1897, c. 83, s. 1.

Order adjourn-  
ing motion  
for writ.

(2) Instead of awarding the writ the Judge before whom the application is made may direct that the motion for the writ be adjourned to be heard before a Divisional Court. Con. Rule 117.



3. The writ may be served either personally by actual delivery thereof to the person to whom the same is directed or by leaving it with his servant or agent at the place where the person is so confined or restrained. R.S.O. 1897, c. 83, s. 2, *part*.

Proceedings  
in case of dis-  
obedience to  
the writ.

4. If the person to whom the writ is directed wilfully neglects or refuses to make a return or pay obedience thereto, he shall be deemed guilty of contempt of Court, and the Court or Judge, upon proof by affidavit of such wilful neglect, refusal or disobedience, may issue a warrant for apprehending and bringing him before the Court or Judge to the end that he may be bound to His Majesty with two sufficient sureties in such sum as in the warrant is expressed, conditioned that he will appear on the day named in the warrant, to answer the matter of the contempt. R.S.O. 1897, c. 83, s. 2, *part*.

Warrant for  
contempt.

5. In case of neglect or refusal to become bound as aforesaid, the Court or Judge may commit such person to the Common Gaol of the County wherein he resides or may be found, there to remain until he becomes bound as aforesaid, or is discharged by order of the Court, or a Judge; and if he becomes bound the recognizance shall be returned and filed and shall continue in force until the matter of the contempt has been heard and determined, unless sooner ordered by the Court to be discharged. R.S.O. 1897, c. 83, s. 3.

Committal.

6. Where a writ of *habeas corpus* is issued under the authority of this Act, or otherwise, the Court or Judge may direct the issue of a writ of *certiorari* directed to the person by whom or by whose authority any person is confined or restrained of his liberty, or other person having his custody or control, requiring him to certify and return to the Court or Judge as by the writ may be provided, all the evidence, depositions, conviction, and all proceedings had or taken, touching or concerning such confinement or restraint of liberty, so that the same may be viewed and considered by the Court or Judge, and that the sufficiency thereof to warrant the confinement or restraint may be determined. R.S.O. 1897, c. 83, s. 5.

*Certiorari* to  
bring proceed-  
ings and pa-  
pers before  
the Court for  
examination.

7. Although the return to a writ of *habeas corpus* is good and sufficient in law, the Court or Judge before whom the writ is returnable may examine into the truth of the facts set forth in the return, by affidavit or other evidence, and may order and determine touching the discharging, bailing, or remanding the person. R.S.O. 1897, c. 83, s. 4.

Proceedings  
for inquiring  
into the truth  
of the matters  
alleged in the  
return.

Appeal from  
remandment  
to custody.

Certifying  
proceedings  
to Court of  
Appeal.

Court may  
order dis-  
charge.

Certain provi-  
sions of this  
Act to extend  
to all cases  
where the writ  
issues.

Power to make  
rules.

Repeal.

8.—(1) Where a person confined or restrained of his liberty, is brought before the Court or Judge upon a writ of *habeas corpus*, and is remanded into custody upon the original order or warrant of commitment, or by virtue of any warrant, order or rule of such Court or Judge, such person may appeal from the decision or judgment of the Court or Judge to the Court of Appeal; and thereupon the writ of *habeas corpus*, the return thereto, and the affidavits, depositions, evidence, conviction and other proceedings shall be certified by the proper officer to the Court of Appeal.

(2) The Court of Appeal shall thereupon hear and determine the appeal without formal pleadings; and if the Court determines that the confinement or restraint is illegal shall so certify to the person having the custody or charge of the person so confined or restrained, and shall order his immediate discharge, and he shall be discharged accordingly. R.S.O. 1897, c. 83, s. 6.

9. The provisions of this Act shall extend to all writs of *habeas corpus* awarded in pursuance of the Act passed in England in the 31st year of the reign of King Charles the Second, commonly called *The Habeas Corpus Act*, or otherwise in as ample and beneficial a manner as if such writs and the cases arising thereon had been herein specially named and provided for. R.S.O. 1897, c. 83, s. 7.

[See 29-30 V. c. 45, *Canada*, which is not included in the *Revised Statutes of Canada*.]

10. The Judges authorized under *The Judicature Act* to make rules may make such rules of practice in reference to the proceedings on writs of *Habeas Corpus* as may seem necessary or expedient. R.S.O. 1897, c. 83, s. 8.

11. Chapter 83 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed.

## CHAPTER 52.

An Act for expediting the decision of Constitutional  
and other Provincial Questions.*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent  
of the Legislative Assembly of the Province of On-  
tario, enacts as follows:—

1. This Act may be cited as "*The Constitutional Ques-* Short title.  
*tions Act.*"

2. The Lieutenant-Governor in Council may refer to the Reference to Court authorized.  
Court of Appeal or to the High Court for hearing and con-  
sideration any matter which he thinks fit, and the Court  
shall thereupon hear and consider the same. R.S.O. 1897,  
c. 84, s. 1.

3. The Court shall certify to the Lieutenant-Governor Court to certify opinion.  
in Council its opinion on the matter referred, accompanied  
by a statement of the reasons therefor; and any Judge who  
differs from the opinion may in like manner certify his  
opinion and his reasons. R.S.O. 1897, c. 84, s. 2.

4. Where the matter relates to the constitutional validity Notice to Attorney-General of Canada.  
of any Act of the Legislature of Ontario, or of some pro-  
vision thereof, the Attorney-General of Canada shall be  
notified of the hearing in order that he may be heard if  
he sees fit. R.S.O. 1897, c. 84, s. 3.

5. The Court shall have power to direct that any per- Notice to persons interested.  
son interested, or where there is a class of persons interest-  
ed, any one or more persons as representatives of such  
class, shall be notified of the hearing, and such persons  
shall be entitled to be heard. R.S.O. 1897, c. 84, s. 4.

6. Where any interest affected is not represented by Appointment of counsel to argue case for unrepresented interests.  
counsel, the Court may request counsel to argue the case  
in such interest, and the reasonable expenses thereof shall  
be paid out of the Suitors Fee Fund or by the Provincial  
Treasurer

Treasurer out of any money appropriated by the Legislature and applicable for that purpose. R.S.O. 1897, c. 84, s. 5.

Appeal.

7. The opinion of the Court shall be deemed a judgment of the Court, and an appeal shall lie therefrom as from a judgment in an action. R.S.O. 1897, c. 84, s. 6.

Enactments  
applicable to  
appeals.

8. Where an appeal is had from the High Court to the Court of Appeal, sections 3, 4, 5, 6 and 7 shall apply as if the original reference had been to the Court of Appeal. R.S.O. 1897, c. 84, s. 7, *part*.

Appeal to  
Privy Council.

9. An appeal to His Majesty in His Privy Council from a judgment of any Court on a reference under this Act shall not be subject to the restrictions contained in *The Act respecting Appeals to His Majesty in His Privy Council*. R.S.O. 1897, c. 84, s. 7, *part*.

Rev. Stat.  
c. 48.

Repeal.

10. Chapter 84 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed.

## CHAPTER 53.

An Act respecting Damage to Lands by Flooding in  
the New Districts.*Assented to 13th April, 1909.*


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SHORT TITLE, s. 1.	COSTS, s. 12.
INTERPRETATION, s. 2.	ENFORCING AWARD, s. 14.
ACT ONLY TO APPLY TO CERTAIN DISTRICTS s. 3	WHEN DIVISION COURT MAY TRY, s. 15.
APPLICATION, ss. 4-6.	REMOVAL OF CASE TO HIGH COURT, s. 16.
ANSWER, s. 7.	DEFECTS OF FORM, s. 17.
WITNESSES, s. 8.	LIMITATION OF CLAIMS, s. 18.
JOINDER OF CLAIMS, s. 9.	STATUTORY DEFENCES, s. 19.
INSPECTION OF LAND BY JUDGE, s. 10.	SAVING CLAUSE, s. 20.
AWARD AND REGISTRATION OF, ss. 11-13.	REPEAL, s. 21.

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**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. This Act may be cited as "*The Damage by Flooding* Short title.  
*Act.*"

2. In this Act, "Defendant" shall mean a company or Interpretation  
person against whom a claim is made under this Act. *New.* "Defendant."

3. This Act shall apply only to the Provisional Judicial Act only to  
Districts, the Provisional County of Haliburton and the apply to cer-  
Electoral Districts of East Victoria, East Peterborough, tain districts.  
North Hastings, North Renfrew and South Renfrew.  
R.S.O. 1897, c. 85, s. 18.

4. Where it is claimed that any incorporated company Damages in  
which has had conferred upon it power to acquire or con- respect of  
struct and maintain a dam, slide, pier, boom or other work which applica-  
in order to facilitate the transmission of logs or timber tion may be  
down any river or stream in Ontario, or to blast rocks or made.  
dredge or remove shoals or other impediments or otherwise  
improve

improve the navigation of such river or stream, or that any person engaged in lumbering has caused damage to the land of any person by overflowing the same, for the purpose of driving logs or timber or for the purpose of a saw-mill, and it is alleged that such damages exceeds \$20, but no greater sum than \$1,000 is claimed therefor, the person whose land is damaged may apply to the Judge of the County or District Court of the county or district within which the land is situate to determine the claim under this Act. R.S.O. 1897, c. 85, s. 1, *amended*.

Form of application.

5.—(1) The application may be according to Form 1, and shall be delivered or sent by registered post to the Judge, and there shall be attached thereto an affidavit that the statements made in the application are true.

Notice of address of applicant.

(2) A notice giving a post office address to which any notice not requiring action in less than eight days may be sent shall be endorsed on the application or given therein. R.S.O. 1897, c. 85, s. 2.

Service of application.

6.—(1) A copy of the application, endorsed with a notice requiring the defendant to answer the same within 21 days after service shall be served on the defendant or, where the defendant is a company, on the president, treasurer, secretary, or manager of the company, or upon an agent of the company having charge of a branch of its business within the county or district, or upon some person who might be served for the company with a writ of summons issued out of the High Court.

Tender of amends.

(2) The defendant may at any time before the application is received by the Judge or served on the defendant, tender to the applicant a sum of money in satisfaction of the damages complained of, and if the same is paid into Court before the defendant's answer is received by the Judge and if the Judge finds the tender to have been sufficient he shall direct that the costs be paid by the applicant.

Payment into court.

(3) The defendant may pay into Court, upon notice to the applicant, a sum of money by way of compensation or amends, and if the sum is found to be sufficient the defendant shall pay to the applicant his costs up to the time of payment into Court and the necessary costs of obtaining the same out of Court, and the subsequent costs shall be in the discretion of the Judge.

Jurisdiction of Division Court.

(4) The Court mentioned in subsections 2 and 3 shall be the Division Court within the limits of which the flooded land, or some portion thereof, is situate. R.S.O. 1897, c. 85, s. 3.

7.—(1) The answer shall give a post office address to which any notice not requiring action in less than eight days may be sent, and shall be delivered or sent by registered post to the Judge and a copy thereof in like manner shall be delivered or sent to the applicant within such twenty-one days. Service of answer.

(2) At any time after the expiry of the twenty-one days the Judge may appoint a time and place for the hearing and may adjourn the hearing from time to time.

(3) In fixing the time for hearing, the Judge so far as practicable shall have in view the convenience of the parties and the possibility of their being able at the particular season of the year conveniently to procure the attendance of necessary witnesses. Place and time for the hearing.

(4) The Judge shall have all the powers of amendment of a Judge of the High Court and may, when, in his opinion, it is necessary in order to do complete justice, add all necessary parties to the proceeding, upon such terms as to him shall seem proper. R.S.O. 1897, c. 85, s. 4. Power to amend.

8. Any party to the proceeding may obtain from any Division Court of the county or district a subpoena (Form 2) requiring the attendance of any person as a witness before the Judge and also the production at the time and place appointed for taking evidence of any book, paper, document or thing to the production of which the party would be entitled at a trial; and the non-attendance of such person, or his refusal to be sworn or to give evidence or to produce shall be punishable in the same manner as if the application were an action in such Court; provided always that the witness's allowance for his conduct money and expenses in accordance with the County Court tariff has been paid or tendered to him. R.S.O. 1897, c. 85, s. 11. Attendance of witnesses.

9.—(1) Where there are several applications the Judge, upon the application of the defendant, may consolidate them, and may order the hearing thereof in such manner as in his opinion will best further the ends of justice and cause the least trouble and expense. Joinder of claims.

(2) Where the flooding occurs upon the lands of several persons from the construction of the same works, several persons may join in the same application where the damages of each exceed \$20, but not \$1,000, although in the aggregate they may exceed \$1,000 and may be in respect of different lands. Who may join in application.

(3) The lands damaged shall be separately described in the application, and the owners of the respective parcels and the amount of the claim of each person shall be stated. Description of lands and particulars of claims.

(4)

Separate award  
as to each  
claim—costs.

(4) In the cases mentioned in subsections 1 and 2 there shall be a separate award as to the claim of each person or on each application as the case may be, and the costs may be apportioned as the Judge may deem just.

Each award to  
be a separate  
judgment.

(5) Each award in such cases when filed as hereinbefore provided, shall be a separate judgment, and the execution shall be adapted to the proceedings, and the form thereof may, when necessary, be settled by the Judge.

Separate award  
not required  
for claim  
dismissed.

(6) If the application is dismissed, or dismissed as to certain of the applicants, there need not be a separate award as to those in respect of whom it is dismissed. R.S.O., 1897, c. 85, s. 12.

Inspection of  
land by judge.

10.—(1) The Judge may take evidence on oath and may personally visit the land in question, before or after the hearing, and may act upon his own inspection, judgment and general knowledge, as well as upon the evidence adduced before him.

Increased  
value.

(2) In fixing compensation the Judge shall take into consideration the increased value (if any) that by reason of the construction of the works, has been given to any lands of the applicant adjacent to the works which have caused the injury and shall deduct such increased value from the amount found in his favour.

Filing  
evidence.

(3) The Judge shall take full notes of the oral evidence, and shall file all documentary evidence or a copy thereof; and if he proceeds wholly or partly on his inspection or on any knowledge or skill possessed by him, he shall also put in writing a statement thereof sufficiently full to enable the High Court in case of an appeal to form a judgment of the weight which should be given thereto. R.S.O. 1897, c. 85, s. 5.

Award.

11. The Judge shall make his award in writing; and if the award is in favour of the applicant, he shall state whether it is for past damage only, or covers all future damage which may be sustained by reason of the land being flooded up to a certain height therein stated and in some way defined. R.S.O. 1897, c. 85, s. 6.

Costs.

12. The Judge in the award shall give such direction as to the payment of costs as he thinks fit, and shall, either by the award or by a subsequent certificate, determine the amount of costs to be paid. R.S.O. 1897, c. 85, s. 8.

Payment of  
judge's  
expenses.

13.—(1) The Judge may by the award direct that the expenses and disbursements incurred by him in and about the hearing of the application and the making of the award shall be paid by either or any of the parties at the time of  
(the



the delivery of the award and that any sum so paid shall be added to or deducted from any other sum or costs ordered to be paid. R.S.O. 1897, c. 85, s. 9.

(2) Subject to appeal as hereinafter provided the award shall be final and conclusive between the parties. R.S.O. 1897, c. 85, s. 7, *part*. Award to be final.

(3) If the award covers all future damage it shall operate, after payment of the amount awarded, as a conveyance to the defendant of the easement or privilege in respect of which such damage is awarded; and upon the order of the Judge endorsed on or attached to the award it may be registered in the proper registry office without further proof. R.S.O. 1897, c. 85, s. 7, *part*. Registration of award.

(4) The order shall be made upon proof of payment of the amount awarded. (*New*.)

14.—(1) An award or certificate may be made a judgment of the Division Court of any division within the limits of which the land in respect of which the award is made, or any part of it, is situate, by filing the original or a sworn copy thereof in the office of the Clerk, who shall enter the same in the books of the Court, and it may thereupon be enforced. Award may be made a judgment of Court.

(2) The Clerk shall, by registered letter, immediately notify (Form 3) the party against whom the judgment is entered, or his solicitor or agent, where he has appeared by a solicitor or agent, of the fact and of the date and amount of the judgment. Notice.

(3) The date and fact of mailing such registered letter, shall be forthwith entered by the clerk, in the book in which the judgment is entered. Particulars to be entered by clerk.

(4) Where the judgment is entered for damages in excess of \$100, the Clerk shall add to the notice a statement (Form 3) that if the party against whom the judgment is entered is dissatisfied with the award he may, within fourteen days from the date of the entry of judgment, or, if reasonable excuse for the delay is shewn to the satisfaction of the Judge, at any time within fourteen days after the expiration of the first mentioned fourteen days, apply to the Judge who made the award to set aside the award and the judgment entered thereon and for a rehearing or a new trial; and the proceedings in respect of any such application shall be the same as upon an application for a new trial in a Division Court. Rehearing or new trial by defendant.

(5) Unless otherwise directed by the Judge execution shall not issue until the expiration of fourteen days from the date of mailing such registered letter and until after any application made for a rehearing or a new trial shall have been disposed of. Execution.

Appeal.

(6) Where the judgment is for damages in excess of \$200 either party may appeal from the judgment or decision upon the application for a rehearing or new trial to a Divisional Court of the High Court, and, subject to Rules of Court, the proceedings on and incidental to the appeal shall be the same as on an appeal under *The Division Courts Act*.

Rehearing or  
new trial by  
complainant.

(7) Where the applicant's claim exceeds \$100 he shall have the like right to apply for a rehearing or new trial and where his claim exceeds \$200 he shall have the like right of appeal to a Divisional Court if the Judge certifies that in his opinion the claim is made in good faith for more than \$100 or \$200, as the case may be. R.S.O. 1897, c. 85, s. 10.

Decision of  
Divisional  
Court final.

(8) The decision of the Divisional Court shall be final. *New.*

When action  
may be  
brought in  
Division  
Court.

15. Where the sum claimed does not exceed \$20, an action for damages in respect of the injuries mentioned in section 4 may be brought in the Division Court within the limits of which the land or any part of it is situate, which shall have jurisdiction to hear and determine the same notwithstanding that a question of title to land or an easement or privilege in connection therewith may be raised; but the judgment or decision of the Court shall not conclude the parties upon any such question in any other action or proceeding. R.S.O. 1897, c. 85, s. 13.

Jurisdiction  
not ousted  
unless ques-  
tion of title to  
land raised in  
good faith.

16.—(1) The jurisdiction of the Judge under this Act shall not be ousted by the raising of a question of title to land or of the right to an easement or privilege if the Judge is of opinion that the question is not raised in good faith but only for the purpose of ousting his jurisdiction.

Removal of  
proceedings  
into High  
Court.

(2) Where the Judge is of opinion that the question is raised in good faith and not for the purpose of ousting his jurisdiction no further proceedings shall be taken upon the application, but either party shall be entitled to an order from a Judge of the High Court removing the proceedings into that Court upon such terms as to the payment of costs or otherwise as he may think fit; and thereafter the action shall proceed in the High Court as if originally commenced therein and as if the defendant had entered an appearance; but the High Court or a Judge thereof may give such directions as to procedure as may be deemed proper.

Award not  
conclusive in  
another action.

(3) In the cases provided for in subsection 1 the award shall conclude the parties only for the purposes of the application and not in any other action or proceeding. R.S.O. 1897, c. 85, s. 14, *amended*.

17. No proceeding under this Act shall be defeated by any formal objection. R.S.O. 1897, c. 85, s. 15. Want of form not to invalidate.

18. Except in the case of infants, lunatics and persons of unsound mind, proceedings under this Act shall be commenced within six months next after the alleged damage was sustained or, if there be a continuance of damage, within six months next after it has ceased, and in any case within six months next after the doing or committing of the damage became known to the applicant and not afterwards. R.S.O., 1897, c. 85, s. 16. *Amended.* Time for commencement of proceedings.

19. The defendant may set up any statutory or other defence which he might set up if the proceeding were an action for the same cause. R.S.O., 1897, c. 85, s. 17. *Amended.* Defendant may set up statutory defences.

20. Nothing in this Act shall affect the provisions of *The Rivers and Streams Act*, or of any reservation or condition in any patent or grant from the Crown. R.S.O. 1897, c. 85, s. 19. Certain Acts and grants not affected.

21. Chapter 85 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed. Repeal.

#### FORM 1.

#### FORM OF APPLICATION.

#### (Section 5.)

In the matter of (*name here the applicant*), applicant, and (*name here the defendant*) defendant.

To His Honour \_\_\_\_\_, Judge of the County (or District) Court of the County (or District) of \_\_\_\_\_

The application of \_\_\_\_\_, of \_\_\_\_\_ in the County (or District) of \_\_\_\_\_, shows:

(1) That the applicant is the patentee (or the locatee) of (*describing the land*).

(2) That the above-named defendant constructed a dam or other works, (*describing them*) and flooded (*fourteen acres*) of the said land, and thereby has done damage to the applicant to the extent of \$ \_\_\_\_\_.

(3) The following are the particulars of the said damage:—

*Fourteen acres of land rendered useless...*  
*Value of crop of oats on the land .....*

\$ \_\_\_\_\_

(or as the case may be).

(4)

(4) The applicant is willing to grant to the defendant the right to flood the said fourteen acres rendered useless (*or as the case may be.*)

(*Where a Solicitor or Agent is employed,*) Service of any notice or other paper not requiring action in less than eight days may be made upon me by mailing the same by registered post, addressed to my Solicitor or Agent, A. B., at (*name of Post Office, with any more particular address desired.*)

(*Where a Solicitor or Agent is not employed,*) Service of any notice or other paper not requiring action in less than eight days may be made upon me by mailing the same by registered post, addressed to me at (*name of Post Office, with any more particular address desired.*)

The applicant prays that his claim may be heard and disposed of under the provisions of *The Damage by Flooding Act*.

Dated this                      day of                      19                      .

J. T.,  
Or

J. T.,  
by A. B., his Solicitor or Agent.

R.S.O. 1897, c. 85, Sched. A.

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FORM 2.

FORM OF SUBPENA.

[Seal]

(Section 8.)

County (or } To C. D.  
District) of }

You are hereby required to appear before  
to wit: Judge of the County (or District) Court of  
the county (or District) of                      at                      in the                      of                      , on  
the                      day of                      , 19                      , at                      o'clock in the  
                    noon, being the time and place appointed by the Judge  
for hearing the application of *James Thompson* for damages claimed  
by him from (*naming the defendant*) under *The Damage by  
Flooding Act*, and then and there to testify to all and singular  
those things which you know in respect of the matters in question  
in the said application.

Given under the seal of the                      Division Court of the County  
(or District) of                      , at                      the                      day of                      19                      .

E. F.,  
Clerk.

NOTE.—Insert a *duces tecum* clause where desired.

R.S.O. 1897, c. 85, Sched. B.

## FORM 3.

## NOTICE OF JUDGMENT.

(Section 14.)

In the matter of  
and

Defendant.

Applicant,

Take notice that there was this day duly filed in this Court the award of the Judge of the County (or District) Court of the County (or District) of \_\_\_\_\_ in the above matter, and that the same was thereupon duly entered of judgment against the defendant for \$ \_\_\_\_\_ damage and \$ \_\_\_\_\_ costs.

[Where the damages exceed \$100 add, If you are dissatisfied with the award you may within 14 days from this date apply to the said Judge for a rehearing or for a new trial.]

E. F.,  
Clerk of the \_\_\_\_\_ Division Court of  
the County (or District) of \_\_\_\_\_.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

To \_\_\_\_\_ (state name and post office address.)

R.S.O. 1897, c. 85, Sched. C.

## CHAPTER 54.

## An Act to amend the Act respecting Police Magistrates.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 87,  
s. 2, amended.

1. The clause lettered (a) in section 2 of *The Act respecting Police Magistrates* as amended by section 27 of *The Statute Law Amendment Act, 1908*, is amended by striking out all the words therein after the word "kind" in the sixth line of the said amendment.

When Police  
Magistrate not  
to practise  
law, etc.

2. The Police Magistrate of a city having a population of more than 18,000 shall not practise the profession of Barrister or Solicitor or engage in any business while holding such office, but this shall not apply to the case of a Police Magistrate of a city having a population of less than 25,000 who was appointed before the 1st day of January, 1903, and is in office at the time of the passing of this Act.

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## CHAPTER 55.

## An Act respecting Crown Attorneys.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.  
 APPOINTMENT OF CROWN ATTOR-  
 NEYS, ss. 2, 3.  
 SECURITY, s. 4.  
 OATH, s. 5.  
 NOT TO ACT FOR PRISONERS, s. 6.  
 DUTIES:—  
   Generally, s. 7.  
   Special duties, s. 8.  
 TO HAVE CUSTODY OF INFORMA-  
 TIONS, ETC., s. 9.

FOR CITY OF TORONTO AND  
 COUNTY OF YORK, ss. 10, 11.  
 POWER OF LIEUT.-GOVERNOR IN  
 COUNCIL TO REGULATE DUTIES,  
 s. 12.  
 APPOINTMENT OF A SUBSTITUTE, s.  
 13.  
 FEES, ss. 14-17.  
 REPEAL, s. 18.

**H**IS MAJESTY, by and with the advice and consent of  
 the Legislative Assembly of the Province of On-  
 tario, enacts as follows:—

1. This Act may be cited as "*The Crown Attorneys*" Short title.  
*Act.*" R.S.O. 1897, c. 96, s. 1.

2. The Lieutenant-Governor in Council may appoint Lieutenant-Governor to appoint.  
 two Crown Attorneys for the County of York, one to be  
 designated the Crown Attorney for the County of York,  
 and the other the Crown Attorney for the City of Toronto,  
 and also one Crown Attorney for each of the other counties  
 and for each Provisional Judicial District in Ontario.  
 R.S.O. 1897, c. 96, s. 3.

3. No person shall be appointed a Crown Attorney, or who qualified to be appointed.  
 shall act in that capacity, who is not a barrister-at-law of  
 at least three years' standing at the Bar of Ontario, and  
 a resident in the county or district for which he is ap-  
 pointed. R.S.O. 1897, c. 96, s. 4.

4. Every Crown Attorney shall give security for the Crown Attorneys to give security.  
 due performance of the duties of his office, and for the  
 due payment of all moneys received by him by virtue  
 thereof

thereof, in such sum, and with so many sureties, and in such manner and form as the Lieutenant-Governor in Council directs. R.S.O. 1897, c. 96, s. 5.

Oath of Office. 5. Every Crown Attorney shall before he enters upon his duties take and subscribe before the Judge of the County or District Court of the county or district for which he is appointed the following oath:

"I swear that I will truly and faithfully, according to the best of my skill and ability, execute the duties, powers and trusts of Crown Attorney for the County (or District) of \_\_\_\_\_ without favour or affection to any party: So help me God."

R.S.O. 1897, c. 96, s. 6.

Not to act as counsel for persons charged with offences.

6. No Crown Attorney shall, by himself or his partner in business, act or be directly or indirectly concerned as counsel or solicitor for any prisoner or person in respect to any charge against such prisoner or person of any offence against the laws of Ontario or punishable under the criminal law. R.S.O. 1897, c. 96, s. 7.

Duties generally.

7. The Crown Attorney shall aid in the local administration of justice, and perform the duties by this or any other Act of Canada or of Ontario assigned to Crown Attorneys. R.S.O. 1897, c. 96, s. 8.

Special duties.

8. Subject to the provisions of sections 10 and 11 every Crown Attorney shall—

To receive and examine informations, etc.

(a) Receive and examine all informations, examinations, depositions, recognizances, inquisitions and papers connected with criminal charges or offences against the laws of Ontario which the Justices of the Peace and Coroners of the county or district are required to transmit to him, and, where necessary, cause such charges to be further investigated, and additional evidence to be collected, and shall sue out process to compel the attendance of witnesses and the production of papers, so that prosecutions at the Sittings of the High Court, the Court of General Sessions of the Peace and the County or District Court Judge's Criminal Court, may not be unnecessarily delayed or fail through want of proof;

To secure attendance of witnesses.

(b) Institute and conduct on the part of the Crown prosecutions for crimes and misdemeanours at the Court of General Sessions of the Peace, and the County or District Court Judge's Criminal Court for the county or district in the same manner

To institute and conduct prosecutions at Sessions, etc.



ner as the Law Officers of the Crown institute and conduct similar prosecutions at the sittings of the High Court, and with like rights and privileges, except as to the right of entering a *nolle prosequi*, and shall attend to all criminal business at the Court of General Sessions of the Peace, and the County or District Court Judge's Criminal Court;

- (c) Watch over the conduct at the Court of General Sessions of the Peace of cases wherein it is questionable whether the conduct complained of is punishable by law or where the particular act or omission presents more of the features of a private injury than of a public offence; and, without unnecessarily interfering with private individuals who wish in such cases to prosecute, assume wholly the conduct of the case where justice towards the accused seems to demand his interposition; To watch certain cases brought by private prosecutors.
- (d) Deliver to the Crown Officer or Counsel appointed by the Attorney-General, all papers connected with the criminal business at the Sittings of the High Court on or before the opening of the Court; To deliver papers connected with criminal business at Assizes to Crown Officer.
- (e) Be present at the Court, and, if required, assist the Crown Officer or Counsel with the criminal business, and, in the absence of the Law Officers of the Crown and of such Counsel, represent the Crown, and take charge and conduct of the criminal business to be done at such sittings; When to take charge of business.
- (f) If required by the general regulations touching his office made in pursuance of the provisions hereinafter contained, on a complaint in writing or where the public interests so require, institute and conduct proceedings before Justices of the Peace under any Act or law conferring summary powers to convict for offences in relation to the public revenue, the public property, the public domain, the public peace, the public health, and any other matter made punishable on summary conviction; To institute and conduct summary proceedings before Justices of the Peace in certain cases.
- (g) Advise a Justice of the Peace in respect to criminal offences brought before him for preliminary investigation or for adjudication, if he requests him to do so by writing containing a statement of the particular case; To advise Justices of the Peace at their request.

(h)

To supply forms for use of Justices of the Peace.

(h) Procure the necessary forms for the use of Justices of the Peace, and supply the same to acting Justices of the Peace as needed, in such manner as he deems expedient, the expense of which shall be paid out of the county funds as part of the expenses connected with the administration of justice, except where such forms are supplied by the county council through the clerk of the county or the Clerk of the Peace; R.S.O. 1897, c. 96, s. 9.

Duties and fees of Crown Attorney on admitting person to bail.

(i) Where a prisoner is in custody charged with an indictable offence, and an application is made for bail, enquire into the facts and circumstances upon which the charge is based, and satisfy himself as to the sufficiency of the surety or sureties offered, and examine and approve of all bail bonds entered into before a Justice of the Peace or Police Magistrate, in case bail is consented to or ordered, for which services he shall be entitled to receive from the person for whom bail is given, in each case, the sum of one dollar, and where the prisoner is unable to make such payment the same may be paid in the same manner as other fees of the Crown Attorney; 61 V. c. 16.

To perform duties to be assigned by regulations in Council.

(j) Perform such other duties and services as the Lieutenant-Governor in Council, by regulations prescribes and directs for carrying out the provisions of any Act imposing duties upon Crown Attorneys, and also touching the office of Crown Attorney and the prosecution of criminal offenders. R.S.O. 1897, c. 96, s. 9, *part*.

(k) Advise coroners and attend coroners' inquests if requested by the coroner in writing so to do.

Justices to deliver informations, etc., to Crown Attorney.

9. Where a person is committed for trial or bailed to answer a criminal charge, the Justice of the Peace committing or bailing shall deliver or cause to be delivered without delay to the Crown Attorney the informations, depositions, examinations, recognizances and papers connected with the charge; and subject to the provisions of section 6 of *The Ontario Summary Convictions Act*, the Crown Attorney shall be the "Proper officer of the Court by which the accused is to be tried," within the meaning of section 695 of *The Criminal Code*, and in every case of inquisition found before a Coroner, the inquisition and every recognizance taken before him, with the written information (if any), and the depositions and statements (if any) of the accused, shall be forthwith delivered to the Crown Attorney of the county or district in which the inquisition

R.S.C. 1906, c. 146, s. 695.

inquisition has been found; and where an information has been laid or complaint made before a Justice of the Peace, whether proceedings have been taken thereon or not, the Justice shall deliver to the Crown Attorney all papers connected therewith, on being by him required so to do. R.S.O. 1897, c. 96, s. 10.

[See also as to Coroners, *Cap. 97, sec. 18.*]

10. The Crown Attorney for the City of Toronto shall be the Crown Attorney whose duty it shall be to institute and conduct on the part of the Crown prosecutions before the Police Magistrate for the City of Toronto, and to institute and conduct all other proceedings before the Police Magistrate or any Justice or Justices of the Peace acting for such Police Magistrate under any Act or law conferring summary powers to convict for offences in relation to the public revenue, the public property, the public domain, the public peace, the public health and any other matter made punishable on summary conviction before such Police Magistrate or Justice or Justices of the Peace; and the said Crown Attorney is hereby empowered to institute such proceedings upon a complaint in writing, or as public prosecutor in cases where the public interest requires the exercise of such office. R.S.O. 1897, c. 96, s. 11.

Duties of Crown Attorney for the City of Toronto.

11.—(1) The Crown Attorney for the County of York shall, with respect to all Police and Magistrates' Courts within the County of York, except those mentioned in the next preceding section, perform like duties and have like powers to those which are conferred by the next preceding section upon the Crown Attorney for the City of Toronto.

Duties of Crown Attorney for County of York.

(2) Except as otherwise by this Act expressly provided, the Crown Attorney for the County of York shall also perform all the duties required to be performed by Crown Attorneys under this Act or any regulations made thereunder. R.S.O. 1897, c. 96, s. 12.

General duties.

12. The Lieutenant-Governor in Council may make regulations for carrying out the provisions of any Act imposing duties upon Crown Attorneys, and also touching the office of Crown Attorney, and for the prosecution of offenders against the laws of Ontario or against the criminal law, and may make a tariff of fees and charges to be payable to a Crown Attorney for services as such officer not otherwise provided for by this or any other Act. R.S.O. 1897, c. 96, s. 14.

Lieutenant-Governor in Council may make regulations as to duties and fees of Crown Attorney.

13. In case of the illness or unavoidable absence of the Crown Attorney, the Judge of the County or District Court of the county or district may appoint a barrister-at-law to act for him during his illness or absence, and notice of the appointment and of the cause thereof shall be sent to

Case of unavoidable absence or illness of Crown Attorney provided for.

to the Provincial Secretary, and the Lieutenant-Governor in Council may at any time annul the appointment. R.S.O. 1897, c. 96, s. 15.

*Sections 3 and 4 of Consolidated Statutes of U. C. are as follows :*

Fees in cases conducted by him at trial, where costs are paid by defendant.

3. In every case of misdemeanour tried at the Court of Quarter Sessions, in which costs are or may be ordered to be paid by a defendant, the County Attorney shall be entitled to fees as Attorney and Counsel for services rendered in such case, to be taxed by the Court according to the scale of allowance in the County Courts as nearly as the nature of such services will allow; such fees in case of conviction to form part of the costs payable by a defendant.

Fees in cases of felony or misdemeanour when costs are not paid by defendant.

4. In all cases of felony tried as aforesaid, and in all cases of misdemeanour in which no costs have been ordered to be paid, or, if ordered to be paid, cannot be made of the defendant, the County Attorney shall be entitled to receive for the services rendered by him in each such case the sum of five dollars, to be paid upon certificate of the Chairman of the Court of Quarter Sessions, and to form a portion of the expenses of the administration of criminal justice in Upper Canada.

*[See also sections 1044-1047 of The Criminal Code of Canada.]*

Fees in County Court Judges' Criminal Court.

14. For services in the County or District Court Judge's Criminal Court, the Crown Attorney shall be entitled to the same fees as for like services in the Court of General Sessions of the Peace. R.S.O. 1897, c. 96, s. 16.

Percentage on money coming into his hands.

15. Every Crown Attorney shall be allowed a percentage of \$4 on every \$100 of public moneys coming into his hands. R.S.O. 1897, c. 96, s. 17.

Commutation of certain Crown Attorney's fees.

16.—(1) The Lieutenant-Governor in Council may commute the fees payable to a Crown Attorney in any county or district in which there is a city having a population of over 100,000 for a fixed annual sum, not exceeding the average income derived from fees during the next preceding five years. 63 V. c. 17, s. 9.

Amount may be varied.

(2) Any annual sum fixed as provided in the next preceding subsection shall continue until varied by Order in Council, but any order for payment of any such annual sum may be rescinded, and the amount may by Order in Council be increased or diminished, provided that in no case shall any Order in Council name a sum exceeding the average income or fees aforesaid (as the case may be) during the next preceding five years. R.S.O. 1897, c. 51, s. 144 (4); 63 V. c. 17, s. 10.

Payment for assistance to Crown Attorney.

(3) The Lieutenant-Governor in Council may also by Order in Council direct that any moneys appropriated by the

the Legislature for assistance to the Crown Attorney shall be paid to the Crown Attorney in addition to the amount of such commutation.

17. Every Crown Attorney and Clerk of the Peace shall, <sup>Return of Fees.</sup> on or before the 15th day of January in every year, make to the Inspector of Legal Offices a return under oath of the aggregate amount of the fees and emoluments of his office during the next preceding year, up to and including the 31st day of December. R.S.O. 1897, c. 96, s. 18.

[*See also section 11 of The General Sessions of the Peace Act.*]

18. Chapter 96 of the Revised Statutes of Ontario, 1897, <sup>Repeal.</sup> and all amendments thereto are repealed.

## CHAPTER 56.

## An Act to amend "The Unorganized Territory Act."

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,  
c. 109,  
amended.

1. *The Unorganized Territory Act* is amended by adding the following sections:—

Bulls running  
at large.

95. No bull over the age of ten months shall be permitted to run at large in those parts of said Districts not included within the limits of an organized municipality.

Owner respon-  
sible for  
damages.

96.—(1) The owner of any bull running at large contrary to the provisions of the preceding section of this Act, shall be responsible in damages for all injuries committed by such animal; and shall also be liable to a penalty not exceeding ten dollars and costs in the discretion of the convicting Justice or Magistrate.

Recovery  
of penalty.

(2) Every such penalty may be recovered in a summary manner before a Police Magistrate or Justice of the Peace for the District where the offence was committed; and shall be levied by distress and sale of the goods and chattels of the offender with costs of such distress and sale by warrant under the hand and seal of the convicting Justice or Magistrate.

## CHAPTER 57.

## An Act respecting Escheats and Forfeitures.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Escheats Act.*"

Short title.

2.—(1) Where land has escheated to the Crown by reason of the person last seised thereof or entitled thereto having died intestate and without lawful heirs, or has become forfeited for any cause to the Crown, the Attorney-General may cause possession thereof to be taken in the name of the Crown; or if possession is withheld may cause an action to be brought for the recovery thereof, without an inquisition being first made. R.S.O. 1897, c. 114, s. 1.

Attorney-General may take possession of, or bring action for recovery of, escheated or forfeited lands without inquest of office.

(2) The proceedings in the action may be in all respects similar to those in other actions for the recovery of land. R. S. O. 1897, c. 114, s. 2.

Proceedings.

3. The Lieutenant-Governor in Council may grant any lands which have heretofore so escheated or become so forfeited or which hereafter so escheat or become so forfeited, or any part thereof, or any interest therein, to any person, for the purpose of transferring or restoring the same to any person having a legal or moral claim upon the person to whom the same had belonged, or of carrying into effect any disposition thereof which such person may have contemplated, or of rewarding any person making discovery of the escheat or forfeiture, as to the Lieutenant-Governor in Council may seem meet. R.S.O. 1897, c. 114, s. 3.

Lieutenant-Governor may make grants of escheated or forfeited lands.

4. Any such grant may be made without actual entry or inquisition being first made; and, if possession of the land is withheld, the person to whom the grant is made may institute in any Court of competent jurisdiction proceedings for the recovery thereof. R.S.O. 1897, c. 114, s. 4.

Grant may be made without entry or inquest of office being first found.

Lieutenant-Governor may release forfeited property or waive the forfeiture.

5. Where any such forfeiture takes place the Lieutenant-Governor in Council may waive or release any right to which the Crown may thereby have become entitled, so as to vest the land, either absolutely or otherwise, in the person who would have been entitled thereto but for the forfeiture; and the waiver or release may be either for valuable consideration or otherwise, and may be upon such terms and conditions as to the Lieutenant-Governor in Council may seem meet. R.S.O. 1897, c. 114, s. 5.

Lieutenant-Governor may assign personally to which the Crown has become entitled.

6. The Lieutenant-Governor in Council may grant any personal property to which the Crown is entitled by reason of the person last entitled thereto having died intestate and without leaving any kin or other person entitled to succeed thereto, or by reason of the same having become forfeited for any cause to the Crown or may grant any part of such personal property for any of the purposes mentioned in section 3. R.S.O. 1897, c. 114, s. 6.

Repeal.

7. Chapter 114 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed.

(See also section 9 of *The Crown Administration of Estates Act*, ante, Cap. 42.)



## CHAPTER 58.

An Act respecting Mortmain and the disposition of  
Land for Charitable Uses.*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.  
INTERPRETATION, s. 2.

## PART I.

MORTMAIN—  
Forfeiture on unlawful assurance, s. 3.  
Power to Lieutenant-Governor to grant licenses in mortmain, s. 4.  
Saving for rents and services, s. 5.

## PART II.

CHARITABLE USES—  
Conditions under which assurances may be made to charitable uses, s. 6.  
Land assured otherwise than by will to be sold within two years, s. 7.

## PART III.

EXEMPTIONS—  
Definitions, s. 8 (1).  
Assurances for a public park, school or museum, s. 8 (2).

Land assured for school or school-house and not in actual use to be sold, s. 8 (3).  
Assurances for certain universities, colleges and societies, s. 9.

## PART IV.

LANDS DEVISED—  
Land devised to charity to be sold, s. 10 (1).  
Where land remains unsold after two years, s. 10 (2).  
Personal estate directed to be laid out in land, s. 11.  
Power to retain land in certain cases, s. 12.  
Exercise of jurisdiction of High Court, s. 13.

## PART V.

GIFTS AND BEQUESTS TO CERTAIN PUBLIC BODIES, s. 14.

## PART VI.

SUPPLEMENTAL—  
Saving for existing licenses, s. 15.  
Summary remedy for breach of charitable trust, s. 16.  
REPEAL, s. 17.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Mortmain and Charitable Uses Act.*" R.S.O. 1897, c. 333, s. 1.

Short title.  
Rev. Stat.  
c. 112.

Interpretation. 2.—(1) In this Act,

"Assurance." (a) "Assurance" shall include a gift, conveyance, appointment, lease, transfer, settlement, mortgage, charge, incumbrance, devise, bequest and every other assurance by deed, will or other instrument; and "Assure" and "Assuror" shall have meanings corresponding with assurance;

"Will." (b) "Will" shall include codicil;

"Land." (c) "Land" shall include tenements and hereditaments corporeal and incorporeal of whatever tenure, but not money secured on land, or other personal estate arising from or connected with land;

"Full and valuable consideration." (d) "Full and valuable consideration" shall include such a consideration either actually paid upon or before the making of the assurance, or reserved or made payable to the vendor or any other person by way of rent, rent charge, or other annual payment, in perpetuity, or for any term of years, or other period, with or without a right of re-entry for non-payment thereof, or partly paid and partly reserved, as aforesaid. R.S.O. 1897, c. 333, s. 2.

Charitable uses. (2) The following shall be deemed to be charitable uses within the meaning of this Act:

(a) The relief of poverty;

(b) Education;

(c) The advancement of religion; and

(d) Any purpose beneficial to the community, not falling under the foregoing heads. (*See* 43 Eliz. c. 4, s. 1, *part*, and R.S.O. 1897, c. 333, s. 6.)

## PART I.

### MORTMAIN.

Forfeiture on unlawful assurance or acquisition in mortmain  
Imp. Act 51-52 Vict. c. 42  
s. 1.

3. Land shall not be assured to or for the benefit of, or acquired by or on behalf of any corporation in mortmain, otherwise than under the authority of a license from His Majesty, or of a statute for the time being in force, and if any land is so assured, otherwise than as aforesaid, the land shall be forfeited to His Majesty from the date of the assurance, and His Majesty may enter on and hold the land accordingly. R.S.O. 1897, c. 333, s. 3.

4. The Lieutenant-Governor in Council, if and when, Power to Lieutenant-Governor to grant licenses in mortmain. and in such form as he thinks fit, may grant to any person or corporation a license to assure land in mortmain in perpetuity or otherwise, and may grant to any corporation Imp. Act 51-52 Vict. c. 42, s. 2. a license to acquire land in mortmain, and to hold such land in perpetuity or otherwise. R.S.O. 1897, c. 333, s. 4.

5. No entry or holding by, or forfeiture to His Majesty Saving for rents and services. under this Part, shall merge or extinguish, or otherwise affect, any rent or service which may be due in respect of any land to His Majesty. R.S.O. 1897, c. 333, s. 5. Imp. Act 51-52 Vict. c. 42, s. 3.

## PART II.

### CHARITABLE USES.

6. Save as herein otherwise provided, every assurance other than by will, of land or personal estate to be laid out in the purchase of land to or for the benefit of any charitable use shall be void unless made Conditions under which assurances may be made to charitable uses.

- (a) To take effect in immediate possession for such charitable use,
- (b) Without any power of revocation, reservation, condition or provision for the benefit of the assurator or of any person claiming under him, and
- (c) At least six months before the death of the assurator, and if of stock in the public funds by transfer thereof in the public books kept for the transfer of stock at least six months before such death;

Provided that the assurance or any instrument forming part of the same transaction may contain all or any of the following conditions, so however that they reserve the same benefits to persons claiming under the assurator as to the assurator himself, namely; Proviso.

- (i) The grant or reservation of a peppercorn or other nominal rent,
- (ii) The grant or reservation of mines or minerals.
- (iii) The grant or reservation of any easement,
- (iv) Covenants or provisions as to the erection, repair, position, or description of buildings, the formation or repair of streets or roads, or as to drainage or nuisances, and covenants or provisions of the like nature for the use and enjoyment as well of the land comprised in the assurance as of any other adjacent or neighbouring land,

(v)

(v) A right of entry on non-payment of any such rent or on breach of any such covenant or provision, or

(vi) Any stipulations of the like nature for the benefit of the assurator or of any person claiming under him; and

Proviso.

Provided that nothing in this section contained shall apply to or affect any such assurance made for full and valuable consideration. R.S.O. 1897, c. 333, s. 7.

Land assured otherwise than by will to be sold within two years.

7.—(1) Subject to the provisions hereinafter contained, where land is assured otherwise than by will to or for the benefit of any charitable use the same shall notwithstanding anything contained in the deed or other instrument of assurance be sold within two years from the date of the assurance or within such extended period as may be determined by the High Court or a Judge thereof in Chambers.

(2) If the land is not sold within the two years or within such extended period it shall vest forthwith in the Accountant of the Supreme Court and subsection 2 of section 10 shall apply thereto.

(3) The High Court or a Judge thereof if satisfied that the land so assured is required for actual occupation for the purposes of the charity and not as an investment may by order sanction the retention of such land. (*New.*)

### PART III.

#### EXEMPTIONS.

Definitions,

8.—(1) In this section

"Park."

(a) "Public park" shall include any park, garden; or other land dedicated or to be dedicated to the recreation of the public;

"School."

(b) "School" shall mean a school, or department of a school, at which education is given in literature, art, science or mathematics;

"School-house."

(c) "School house" shall include the teacher's dwelling house, the playground (if any), and the offices and premises belonging to or required for a school;

"Public museum."

(d) "Public museum" shall include buildings used, or to be used, for the preservation of a collection of paintings or other works of art, or of objects of natural history, or of mechanical, scientific or philosophical inventions, instruments, models or designs, and dedicated or to be dedicated to the

the recreation of the public, together with any libraries, reading rooms, laboratories and other offices and premises used or to be used in connection therewith. R.S.O. 1897, c. 333, s. 8.

Imp. Act,  
51-52 V. c. 42,  
s. 6.

(2) Notwithstanding anything in this Act, land or personal estate to be laid out in the purchase of land may be assured for the following purposes, viz.:

Assurances  
for a public  
park, school,  
or museum.

- (a) For a public park.
- (b) For a public museum.
- (c) For a public library.
- (d) For a school, or school house.

(3) Land assured for the purposes of a school or school house and not required for actual use and occupation for such purposes or the part thereof not so required shall be sold within two years from the date of the assurance or in the case of a will from the death of the testator or such extended period as may be determined by the High Court or a Judge thereof and the provisions of subsection 2 of section 10 and of sections 12 and 13 shall apply. (*New.*)

Land assured  
for school or  
school house  
and not in  
active use to  
be sold within  
two years.

9. Sections 3 and 6 shall not apply to the following assurances:—

Assurances  
for certain  
universities,  
colleges and  
societies.

- (a) An assurance of land or personal estate to be laid out in the purchase of land, to or in trust for any incorporated university, college or school in Ontario, or for the support and maintenance of the students thereat.

- (b) An assurance, otherwise than by will, to trustees on behalf of any society or body of persons (incorporated or unincorporated) associated together for religious purposes, or for the promotion of education, art, literature, science or other like purposes, of land not exceeding two acres, for the erection thereon of a building for such purposes, or any of them, or whereon a building used or intended to be used for such purposes, or any of them, has been erected. R.S.O. 1897, c. 333, s. 9.

Imp. Act,  
51-52 V. c. 42,  
s. 7.

## PART IV.

### LANDS DEVISED BY WILL.

10.—(1) Land may be devised by will to or for the benefit of any charitable use, but, except in the cases provided for by sections 8 and 9 and except as herein otherwise provided, shall, notwithstanding anything in the will contained to the contrary, be sold within two years from the death

Land devised  
to charity to  
be sold.

death of the testator, or such extended period as may be determined by the High Court or a Judge thereof. R.S.O. 1897, c. 112, s. 4.

Where land remains unsold after expiration of two years.

(2) So soon as the two years or such extended period shall have expired without the completion of the sale of the land, the land shall vest forthwith in the Accountant of the Supreme Court; and the High Court shall cause the same to be sold, or the sale completed (as the case may be) with all reasonable speed by the administering trustees thereof for the time being; and for this purpose may make orders directing such trustees to proceed with the sale or completion of the sale of such land, or removing such trustees and appointing others, and may provide by any such order or otherwise for the payment of the proceeds of the sale to the trustees in trust for the charity, and for the payment of the costs and expenses incurred by them or otherwise in or connected with such sale and proceedings. R.S.O. 1897, c. 112, s. 5.

Personal estate directed to be laid out in land.

11. Any personal estate by will directed to be laid out in the purchase of land to or for the benefit of any charitable use, shall, except as hereinafter provided, be held to or for the benefit of the charitable use as though there had been no direction to lay it out in the purchase of land. R. S. O. 1897, c. 112, s. 6.

Power to retain land in certain cases.

12. The High Court, or a Judge thereof, if satisfied that land devised by will to or for the benefit of any charitable use, or proposed to be purchased out of personal estate by will directed to be laid out in the purchase of land, is required for actual occupation for the purposes of the charity, and not as an investment, may by order sanction the retention or acquisition, as the case may be, of such land. R.S.O. 1897, c. 112, s. 7.

Exercise of jurisdiction of High Court.

13. The jurisdiction of the High Court under this Act may be exercised by a Judge in Chambers or otherwise, and in a summary manner so as to avoid all unnecessary expense. R.S.O. 1897, c. 112, s. 9.

## PART V.

### GIFTS AND BEQUESTS TO CERTAIN PUBLIC BODIES.

Certain public bodies may accept gifts to charitable uses.

14.—(1) The Government of Ontario, a municipal corporation, a school board, a public library board or association, a public hospital board and trustees empowered to administer or hold property for charitable uses may have, take, hold and enjoy by gift, grant, devise, conveyance or bequest real or personal property of any nature or kind and wherever

wherever situate, whether within or without Ontario, or the proceeds thereof upon the terms expressed in the gift, grant, devise, bequest or conveyance whereby the same is given, granted, devised, bequeathed or conveyed to such body.

(2) Any such body may, subject always to the provisions of the Act by or under the authority of which it exists and to any law regulating or limiting its power to contract debts, enter into an agreement for the holding, management, administration or disposition of any such property with the person giving, granting, conveying, devising or bequeathing the same to such public body upon such terms as may be agreed upon between the parties to any such gift, grant, devise, bequest or conveyance. Agreement with donor.

(3) Land so given, granted, devised, bequeathed or conveyed and not required for actual use and occupation for the purposes of the trust upon which it was given, granted, devised, conveyed or assured to such public body shall be sold within two years from the date of the gift, grant, devise, conveyance or assurance or in the case of a will from the death of the testator or such extended period as may be determined by the High Court or a Judge thereof and the provisions of subsection 2 of section 10 and of sections 12 and 13 shall apply. Land to.

(4) This section shall apply to gifts, grants, devises, bequests and conveyances heretofore made as well as to such as may hereafter be made. Application to gifts, etc., heretofore made.

## PART VI.

### SUPPLEMENTAL.

15. Nothing in this Act shall apply so as to limit or restrict the right possessed by any corporation under any other Act, or affect any charter or license in force at the passing of this Act enabling land to be assured or held in mortmain. R.S.O. 1897, c. 333, s. 11. Saving for existing licenses, etc.

### SUMMARY REMEDY FOR BREACH OF CHARITABLE TRUST.

16.—(1) In every case of a breach or supposed breach of any trust created for charitable purposes, or whenever the direction or order of a court shall be deemed necessary for the administration of any trust for charitable purposes, any two or more persons may present a petition to the High Court stating such complaint and praying such relief as the nature of the case may require, and the Court may hear such petition in a summary way, and upon such affidavits, or such other evidence as shall be produced upon such hearing, may determine the same, and make such order In cases of breach of a charitable trust, etc., a petition may be presented to the High Court of Justice, and the same shall be heard in a summary way and order made therein.

order therein, and with respect to the costs of such application, as shall seem just; and any order so made shall be subject to appeal as if made in an action. (*See Imp. Act, 52 Geo. 3, c. 101, s. 1.*) R.S.O. 1897, c. 333, s. 12.

Petitions to be signed by petitioners, and certified by Attorney-General, etc.

(2) Every such petition shall be signed by the persons preferring the same in the presence of and shall be attested by their solicitor, and shall be submitted to, and may be allowed by the Attorney-General, and such allowance shall be certified by him before any such petition shall be presented. (*See Imp. Act, 52 Geo. 3, c. 101, s. 2.*) R.S.O. 1897, c. 333, s. 13.

Repeal.

17. Chapters 112 and 333 of the Revised Statutes of Ontario, 1897, and the Act passed in the 2nd year of His Majesty's reign, Chaptered 2, and all amendments thereto are repealed.



## CHAPTER 59.

## An Act respecting Investments by Trustees.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Trustee Investment Act.*" Short title.
2. In this Act,— Interpretation.
  - (a) "Instrument" shall include an Act of the Legislature of Ontario; "Instrument."
  - (b) "Stock" shall include fully paid up shares; "Stock."
  - (c) "Trustee" shall include an executor, an administrator and a trustee whose trust arises by construction or implication of law. R.S.O. 1897, c. 130, s. 3. "Trustee."
3. The powers conferred by this Act are in addition to the powers conferred by the instrument creating the trust; but nothing herein contained shall authorize a trustee to do anything which he is in express terms forbidden to do, or to omit to do anything which he is in express terms directed to do, by the instrument creating the trust. R.S.O. 1897, c. 130, s. 4. Additional powers given.  
Proviso.
- 4.—(1) A trustee having money in his hands, which it is his duty, or which it is in his discretion, to invest at interest, may invest the same in the stock, debentures or securities of the Dominion of Canada, or of Ontario or of any of the other Provinces of Canada or in debentures or securities the payment of which is guaranteed by the Dominion of Canada or by Ontario or by any of the other Provinces of Canada or in the debentures of any municipality in Ontario; or in securities which are a first charge on land held in fee simple in Ontario, Manitoba, Saskatchewan or Alberta, provided that such investments are in other respects reasonable and proper. Trustees or executors may invest trust moneys in certain securities.

(2)

Imp. Act 23-24  
V. c. 145, s. 25.

Existing investments legalized.

(2) Any money already invested in any such stock, debentures or securities shall be deemed to have been lawfully and properly invested. R.S.O. 1897, c. 130, s. 2 (1); 63 V. c. 18, s. 1; 7 Edw. VII. c. 23, s. 2.

Investment of trust funds.

5.—(1) A trustee may deposit with any of the societies or companies hereinafter mentioned, or invest any money in his hands in terminable debentures or debenture stock of such societies or companies, provided that such deposit or investment is in other respects reasonable and proper, and that the debentures are registered, and are transferable only on the books of the society or company in his name as trustee for the particular trust estate for which they are held, and that the deposit account in the society's or company's ledger is in the name of the trustee for the particular trust estate for which it is held and the deposit receipt or pass book is not transferable by endorsement or otherwise. 7 Edw. VII. c. 28, s. 1.

(a) Any incorporated society or company authorized to lend money upon mortgages on real estate, or for that purpose and other purposes, having a capitalized, fixed, paid up and permanent stock not liable to be withdrawn therefrom of not less than \$400,000, and a reserve fund of not less than 25 per cent. of its paid up capital, and its stock having a market value of not less than 7 per cent. premium. R.S.O. 1897, c. 130, s. 5 (1), cl. *a*; 62 V. (2), c. 11, s. 32; 1 Edw. VII. c. 14, s. 1.

(b) Any society or company heretofore incorporated under chapter 164 of the Revised Statutes of Ontario, 1877, or any Act incorporated therewith, or under chapter 169 of the Revised Statutes of Ontario, 1887, having a capitalized, fixed, paid up, and permanent stock not liable to be withdrawn therefrom of not less than \$200,000, and a reserve fund of not less than 15 per cent. of its paid up capital, and its stock having a market value of not less than 7 per cent. premium. R.S.O. 1897, c. 130, s. 5 (1), cl. *b*; 62 V. (2), c. 11, s. 32; 3 Edw. VII. c. 7, s. 25.

Companies in which funds invested to be approved by Lieutenant-Governor.

(2) The Lieutenant-Governor in Council may approve of investments by a trustee in the debentures or debenture stock of or by way of deposit with any society or company mentioned in clause (a) which appears to have kept strictly within its legal powers in relation to borrowing and investment. R.S.O. 1897, c. 130, s. 6, *amended*.

Investments in other companies prohibited.

(3) No investments shall be made under authority of this Act in the debentures or debenture stock of or by way of deposit with any society or company which has not obtained such approval. R.S.O. 1897, c. 130, s. 6.

(4)

(4) The Lieutenant-Governor in Council may revoke any Order in Council approving of investments in the debentures or debenture stock of or by way of deposit with any such society or company. R.S.O. 1897, c. 130, s. 7.

Revocation of Order in Council approving of investments.

6. A trustee may from time to time vary or transpose any securities in which money in his hands is invested whether under the authority of this Act or otherwise into or for any other securities of any nature authorized by this Act. (*New.*) See R.S.O. 1897, c. 130, s. 5 (2).

Power to vary or transpose securities.

7. A trustee lending money upon the security of any property upon which he may lawfully lend shall not be chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, if it appears to the Court that in making the loan the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be a competent valuator, instructed and employed independently of any owner of the property, whether such valuator carried on business in the locality where the property is situate or elsewhere, and that the amount of the loan does not exceed one-half of the value of the property as stated in the report, and that it was made under the advice of the valuator expressed in the report. R.S.O. 1897, c. 130, s. 8 (1).

When trustee not chargeable for lending on insufficient security.

Imp. Act 51-52 V. c. 59, s. 4.

8. Where a trustee has improperly advanced money on a mortgage security which would at the time of the investment have been a proper investment in all respects for a less sum than was actually advanced, the security shall be deemed an authorized investment for such less sum, and the trustee shall only be liable to make good the sum advanced in excess thereof with interest. R.S.O. 1897, c. 130, s. 9 (1).

Trustee lending more than authorized amount.

Imp. Act 51-52 V. c. 59, s. 5.

9. Sections 7 and 8 shall apply to transfers of existing securities as well as to new securities, and to investments made as well before as on and after the 4th day of May, 1891, unless some action or other proceeding was pending with reference thereto at that date. R.S.O. 1897, c. 130, s. 8 (2).

Application of secs. 7 and 8.

10. A trustee shall not be chargeable with breach of trust by reason only of his continuing to hold an investment which has ceased to be an investment authorized by the instrument of trust or by the general law; and this provision shall apply to cases arising either before or after the passing of this Act. 63 V. c. 18, s. 2.

Liability in case of change of character of investment.

Imp. Act 57 V. c. 10, s. 4.

11. Chapter 130 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed.

Repeal.

## CHAPTER 60.

## An Act respecting Ferries.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.	EXCLUSIVE PRIVILEGES, s. 7.
LICENSES OF FERRY, ss. 2, 3.	PERSONS MAY KEEP BOATS AT FERRIES, s. 8.
LIMITS OF FERRIES, s. 4.	PENALTIES FOR INTERFERENCE WITH RIGHT OR LICENSE OF FERRY, s. 9.
LICENSES TO MUNICIPALITIES, s. 5.	REPEAL, s. 10.
POWERS OF MUNICIPALITIES AS TO FERRIES, s. 6.	

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title.      1. This Act may be cited as "*The Ferries Act*."
- Licenses to be issued under the Great Seal.      2. Save as herein otherwise provided every grant or license of ferry shall be by the Lieutenant-Governor under the Great Seal and shall not extend for a longer term than seven years at any one time. R.S.O. 1897, c. 139, s. 1.
- Ferries to be leased by public competition and only for limited time.      3. Save as herein otherwise provided, no ferry shall be leased by the Crown, nor shall any lease thereof be renewed, or any license of ferry be granted by the Crown, except by public competition, and after notice of the time and place at which tenders will be received for the lease or license for such ferry inserted at least once in each of four consecutive weeks in the *Ontario Gazette*, and in one or more of the newspapers published in the county or district in which the ferry is situate, and to persons giving such security as the Lieutenant-Governor in Council may prescribe. R.S.O. 1897, c. 139, s. 2.
- Limits of ferries.      4. Except in the case of municipalities as hereinafter provided, where the limits to which the exclusive privilege

lege of any ferry extends are not already defined, such exclusive privilege shall not be granted for a greater distance than one mile and a half on each side of the place at which the ferry is usually kept, but nothing herein shall invalidate or infringe upon any existing grant or right of ferry. R.S.O. 1897, c. 139, s. 3.

5.—(1) Where a ferry is required over any stream or other water, and the two shores are in different local municipalities not in the same county, or one shore is in a city or town separated from a county and the other is in another municipality in the same county, the Lieutenant-Governor may grant a license to either of such municipalities exclusively, or to both jointly, or to either of the counties or to both jointly, or to one of the counties jointly with a city or town, as he may consider most conducive to the public interest. R.S.O. 1897, c. 139, ss. 4, 5.

License for ferry between two municipalities.

Municipalities to which licenses may be granted.

(2) The license shall confer the right to establish a ferry from shore to shore on such stream or other water, with such limits and extent as may appear advisable to the Lieutenant-Governor in Council, and be expressed in the license. R.S.O. 1897, c. 139, s. 6.

Extent of right conferred, etc.

(3) The license shall be upon conditions as to the description of craft and motive power to be used and upon such further terms and conditions as the Lieutenant-Governor in Council may direct, and the terms and conditions shall be expressed in the license. R.S.O. 1897, c. 139, s. 7.

Conditions of license as to steam, etc.

(4) The council of the municipality may pass by-laws, not inconsistent with the terms of the license, for sub-letting the ferry to such person and upon such terms and conditions as the council may think fit. R.S.O. 1897, c. 139, s. 8.

Municipalities may sub-let ferries

(5) Where a license is granted to two municipalities jointly, no by-law of the council of one municipality shall have any force until a by-law has been passed in similar terms, as nearly as may be, by the council of the other municipality. R.S.O. 1897, c. 139, s. 9.

By-laws by municipalities to which license granted jointly.

(6) The provision as to the duration of the license and the provisions of section 3 shall not apply to this section.

Application of certain provisions excluded.

6.—(1) The council of every township, town or village may pass by-laws for establishing and for maintaining and operating and the council of every municipality other than a county may pass by-laws for licensing upon such terms and conditions as may be deemed proper and for regulating ferries between any two places in the municipality, or over any navigable waters in or upon the boundary of the municipality, and for establishing the rates

rates of ferriage to be taken thereon; but no such by-law shall have effect until approved by the Lieutenant-Governor in Council.

Powers of  
County  
Councils.

(2) The council of every county shall have the like power in regard to ferries between places which are both situate within the county but not within the same local municipality, provided that neither of such places is situate in a city or town separated from the county for municipal purposes.

Lieutenant-  
Governor may  
license and  
regulate if  
Council does  
not pass by-law.

(3) Until the council exercises the powers conferred by this section the Lieutenant-Governor in Council may license and regulate such ferries and establish the rates of ferriage to be taken thereon. R.S.O. 1897, c. 139, s. 14, *amended*.

Granting  
exclusive  
privileges.

7. The council of any municipality may grant exclusive privileges in any ferry vested in the corporation of the municipality. R.S.O. 1897, c. 139, s. 15.

Parties may  
keep boats at  
ferry for their  
own use.

8. Any person may keep at a ferry, a boat, vessel, or other craft, for his own private use, or may use, for the accommodation of himself or of his employer, his own or his employer's boat, vessel or craft, to cross the river or stream on which the ferry is situate; but such privilege shall not be used for the purpose of taking, carrying or conveying any other person or property for hire, gain, reward or profit, or hope thereof, or directly or indirectly to enable any such other person to evade the payment of tolls at the ferry. R.S.O. 1897, c. 139, s. 10.

Penalty for in-  
terfering with  
licensed ferry-  
man's rights.

9. If any person unlawfully interferes with any right or license of ferry, by taking, carrying, or conveying, at any ferry, across the stream or other water on which the same is situate, any person, cattle, carriage, or wares, in any boat, vessel, or other craft, for hire, gain, reward, profit, or hope thereof, or unlawfully does any other act or thing to lessen the tolls and profits of any lessee or licensee of the Crown of any such ferry, the offender shall incur a penalty not exceeding \$20 to be recovered under *The Ontario Summary Convictions Act* and to be paid to the person aggrieved. R.S.O. 1897, c. 139, s. 11.

Repeal.

10. Chapter 139 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed.

## CHAPTER 61.

## An Act respecting Millers.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.

TOLLS FOR GRINDING AND BOLTING  
RESTRICTED, s. 2.

BAGS TO BE MARKED, s. 3.

REPEAL, s. 4.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Millers Act.*"

Short title.

## GRINDING GRAIN.

2. An owner or occupier of a mill, or a person employed by him, shall not demand or take as toll a greater proportion of any grain brought to him to be ground and bolted than one-twelfth part thereof, for grinding and bolting the same, under a penalty of \$40 for every such offence. R.S.O. 1897, c. 140, s. 1.

No greater proportion to be taken for grinding and bolting grain than one-twelfth.

## MARKING GRAIN BAGS.

3. An owner or occupier of a mill shall not be bound to receive or be chargeable with the loss of any bag of grain or flour, unless the bag is marked with the initial letters of the Christian name and surname of the owner of the grain, or with some mark distinguishing the bag, which shall have been previously made known to the owner or occupier of the mill, or his servant usually attending the same. R.S.O. 1897, c. 140, s. 2.

Bags must be marked.

4. Sections 1 and 2 of the Revised Statutes of Ontario, 1897, and all amendments thereto, are repealed.

Repeal.

## CHAPTER

## CHAPTER 62.

## An Act to amend The Marriage Act.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,  
c. 162 sec. 31  
amended.

1. Section 31 of *The Marriage Act* as enacted by *The Statute Law Amendment Act, 1907*, is hereby amended by adding thereto the following subsections:—

A judgment  
that a marriage  
is not valid  
not to be made  
by consent  
or in default of  
appearance or  
pleading.

(6) No declaration or adjudication that a valid marriage was not effected or entered into shall be made or pronounced under the authority of this section upon consent of parties, admissions, or in default of appearance or of pleading or otherwise than after a trial.

Evidence to be  
*viva voce* in  
open court.

(7) At every such trial the evidence shall be taken *viva voce* in open court, but nothing in this subsection shall prevent the use of the depositions of witnesses residing out of Ontario or of witnesses examined *de bene esse*, where, according to practise of the court, such depositions may be read in evidence.

Court may  
require parties  
to be examin-  
ed.

(8) The court may of its own motion require both or either of the parties to be examined before the court touching the matters in question in the action.

Notice to  
Attorney-  
General.

(9) No trial shall be had until after ten days' notice to the Attorney-General for Ontario.

Attorney-  
General may  
intervene.

(10) The Attorney-General may intervene at the trial or at any stage of the proceedings and may adduce evidence, examine and cross-examine witnesses in like manner as a party defendant and shall have the same right of appeal from any such declaration or adjudication as a party defendant has.

CHAPTER



## CHAPTER 63.

## An Act respecting Notaries Public.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Notaries Act.*" Short title.
2. Subject to the provisions of section 6 the Lieutenant-Governor may by commission appoint such persons as he thinks fit Notaries Public for Ontario. R.S.O. 1897, c. 175, s. 1. The Lieutenant-Governor may appoint Notaries.
3. A Notary shall during pleasure have, use and exercise the power of drawing, passing, keeping and issuing all deeds and contracts, charter-parties and other mercantile transactions in Ontario, and also of attesting all commercial instruments that may be brought before him for public protestation, and otherwise of acting as is usual in the office of Notary, and may demand, receive and have all the rights, profits and emoluments rightfully appertaining and belonging to the calling of Notary Public. R.S.O. 1897, c. 175, s. 2. Powers of Notaries.
4. A Notary Public shall have the same powers throughout Ontario as a solicitor of the Supreme Court has under *The Commissioners for taking Affidavits Act.* R.S.O. 1897, c. 175, s. 3. Notaries to have powers of Commissioners under Edw. VII., c. 44.
5. A Notary Public shall be deemed to be an officer of the High Court. R.S.O. 1897, c. 175, s. 5. Notaries to be deemed to be officers of the High Court.
- 6.—(1) Any person other than a barrister or solicitor desirous of being appointed a Notary Public, shall be subject to examination in regard to his qualification for the office, by the Judge of the County or District Court of the county or district in which he resides, or by such other person as may be appointed in that behalf by the Lieutenant-Governor Examination as to qualification of persons desirous of being appointed Notaries Public.

nor

nor; and no such person shall be appointed a Notary Public without a certificate from such Judge, or such other person, that he has examined the applicant and finds him qualified for the office, and that in his opinion a Notary Public is needed for the public convenience in the place where the applicant resides and intends to carry on business.

Regulations.

(2) The Lieutenant-Governor in Council may make regulations for such examination and certificate; and the Judge or other person examining shall be entitled to receive from the person examined a fee of \$5 for the examination. R.S.O. 1897, c. 175, s. 7.

Power to impose restrictions.

7. Where a person other than a barrister or solicitor is appointed a Notary Public restrictions may be imposed in the commission limiting the territory and cases in which such person may use and exercise his powers. 3 Edw. VII. c. 7, s. 33.

Notary Public need not affix seal on affidavits, etc.

8. Where under the authority of any Act of Ontario, a Notary Public is authorized to administer oaths or to take affidavits or declarations within Ontario it shall not be necessary to the validity of any such oath, affidavit or declaration that he shall affix his seal thereto. R.S.O. 1897, c. 175, s. 8.

Repeal.

9. Chapter 175 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed.

## CHAPTER 64.

## An Act to amend The Pharmacy Act.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 26 of *The Pharmacy Act*, as amended by Rev. Stat., c. 179, s. 26 amended section 9 of the Act passed in the 5th year of His Majesty's reign, Chaptered 16, is amended by striking out the word "and" before the word "glycerine" in the 7th line of the said amending section and by inserting after the said word "glycerine" the words "Carbonate of Magnesia, Citrate of magnesia, Rochelle Salts, Blue Stone, Copperas, Saltpetre, Spirits of Nitre, Rhubarb Root, Solution of Ammonia, Phosphate of Soda, Gum Camphor, Quinine, and Chloride of Lime."

2. The said section 26 is further amended by adding Rev. Stat., c. 179, s. 26 amended. after the words "Paris Green" in the 4th line from the end "Hellebore, Tincture of Iodine, Arsenate of Lead, Carbolic Acid, not exceeding a 5 per cent. solution," and by adding at the end of the said section the words "and provided further that a record shall be kept by the vendor in a book for such purpose of the name and address of each person to whom carbolic acid is sold."

3. Schedule "A" of *The Pharmacy Act* is amended by Sched. "A" amended adding after the words "Carbolic Acid" in Part I., the words "Not exceeding a 5 per cent. solution," and by striking out the word "hellebore" in Part II.

## CHAPTER 65.

## An Act to amend The Act respecting Stationary Engineers.

*Assented to 29th March, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

7 Edw. VII.  
c. 32, s. 3  
amended.

1. The clause (a) in section 3 of *The Act respecting Stationary Engineers*, passed in the 7th year of His Majesty's reign, Chaptered 32, is amended by adding thereto the words "provided that no person shall be eligible for such examination unless he is a British subject or has resided in Canada for at least three years."

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## CHAPTER 66.

## An Act to amend The Ontario Companies Act.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Ontario Companies Act*, being Chapter 34 of the Statutes of the seventh year of the reign of His Majesty King Edward VII., is hereby amended by adding thereto the following sections:

14a. The Letters Patent may impose any conditions with respect to the by-laws of a corporation or any amendments thereof, and in such event the corporation shall not carry on its undertaking or any part thereof nor shall the by-laws be of any force or validity until the conditions imposed by the Letters Patent are complied with.

7 Edw. VII.,  
c. 34 amended.

Conditions  
may be im-  
posed in letters  
patent of incor-  
poration.

14b. The Letters Patent may confer on the Provincial Secretary the right to appoint an auditor to examine the books of the corporation or an inspector to inspect its undertaking and affairs, or to call a general meeting of its members, upon such terms as may be therein set out.

Letters patent  
may provide  
for audit.

14c. If the Letters Patent so provide, the Provincial Secretary may whenever he sees fit require a society to make a return upon any special subject connected with the affairs of the society, and the society shall make such return within the time mentioned in the notice requiring such return.

Return may be  
required upon  
any subject.

## CHAPTER 67.

## An Act respecting Security by Guarantee Companies.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short Title.

1. This Act may be cited as "*The Guarantee Companies Securities Act.*"

Interpretation.

2. In this Act "guarantee company" shall mean an incorporated company empowered to grant guarantees, bonds, policies, or contracts for the integrity and fidelity of employed persons, or in respect of any legal proceedings or for other like purposes approved by the Lieutenant-Governor in Council.

Bonds of Guarantee Company may be taken by officers and others.

3. Where any judge, functionary, officer or person is entitled or required to take security by bonds with sureties, he may in lieu thereof take the bond, policy or guarantee contract of a guarantee company of the like nature and effect.

Person required to give security may give bond of Guarantee Company.

4. Where any person is required to give security by bond with sureties he may in lieu thereof furnish the bond, policy or guarantee contract of a guarantee company of the like nature and effect.

Justification not required.

5. The guarantee company shall not be bound or required to justify.

Bond of Company may be substituted for other bonds.

6. The bond, policy or guarantee contract of a guarantee company may be taken instead of or in substitution for any existing security if the judge, functionary, officer or person mentioned in section 3, sees fit, and so directs, and when taken the existing security shall be delivered up to be cancelled.

7. The interim receipt of a guarantee company may be accepted in lieu of a bond, policy or guarantee contract, but the latter shall be furnished within one month.

Interim  
receipt in lieu  
of bond.

8. Every Order in Council approving of a guarantee company shall immediately after the making thereof be published in the *Ontario Gazette*, and shall be laid before the Assembly within the first fifteen days of the next session thereof.

Orders in  
Council ap-  
proving of  
Guarantee  
Company.

9. Chapter 220 of the Revised Statutes of Ontario, 1897, is repealed.

Rev. Stat.,  
c. 220 repealed

## CHAPTER 68.

## An Act to amend The Ontario Railway Act, 1906.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

6 Edw. VII., c.  
30 amended.

1. *The Ontario Railway Act, 1906*, is amended by adding thereto the following as section 193a:

Operation of  
street cars on  
Sunday in city  
of 50,000.

Submitting  
question to  
electors.

Ascertaining  
population.

Declaration as  
to population  
conclusive.

Application of  
8 Edw. VII.,  
c. 9.

193a.—(1) Subject to subsections 2 and 3 and notwithstanding anything in this Act or any other Act contained street railways may be operated on Sunday within a city having a population of over 50,000 after a majority of those voting of the electors qualified to vote at municipal elections have voted in the affirmative in answer to the question: "Are you in favour of operating street railways on Sunday?" but no person shall be entitled to vote more than once on such question.

(2) The question shall not be submitted until the Lieutenant-Governor in Council has declared that the population of the city is over 50,000, and the Lieutenant-Governor in Council may require a census to be taken and may prescribe the nature of the census and the time and manner of taking the same.

(3) When the Lieutenant-Governor in Council has declared that the population of the city is over 50,000 the question may be submitted at the annual municipal election, provided the municipal council shall have decided on or before the 1st of December preceding the date of such election to submit the question to the electors, and shall not later than the 15th of December, have given due notice of such decision by public advertisement for at least one week in each issue of some daily newspaper published in the municipality.

(4) All the provisions of *The Consolidated Municipal Act, 1903*, relating to the imposition of penalties and prevention of corrupt practices in connection with elections shall



shall apply to any vote taken under the provisions of this section.

(5) No employee shall be required or permitted to work for more than six days of ten hours each in any one week, nor upon any Sunday when he worked the previous Sunday. Employees not to work for more than six days.

(6) For each day on which a breach of subsection 5 is committed the city or company shall incur a penalty not less than \$25 and not exceeding \$100 recoverable at the suit of any person in any court of competent jurisdiction and any judgment for a penalty shall form a first lien on the property, assets, rents and revenues of the street railway. Penalty.

(7) Nothing in this section contained shall entitle any street railway company, which has entered into an agreement with any municipal corporation not to run cars on Sunday to run any of their cars on any Sunday unless and until such company shall have received permission from the council of such corporation by by-law to run their cars on Sunday, and then only under and subject to such terms, conditions, stipulations, regulations, obligations, provisoes and things as may be contained in such by-law, and also under and subject to such terms, conditions, stipulations, regulations, obligations, provisoes and things as may be contained in an agreement to be first made and entered into by such company with such corporation before such company shall be entitled to run any car on any Sunday. Agreement not to be affected.

(8) This section shall apply to all railways operated by electricity and street railways whether they are operated on a highway or on a right of way owned by the company. Application of section.

## CHAPTER 69.

## An Act respecting Aid to certain Railways.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Aid to certain railways.

1. There shall be granted out of The Consolidated Revenue Fund for the construction of the railways hereinafter mentioned, the sums following, that is to say:—

Cash subsidy to the Bruce Mines and Algoma Railway Co.

(a) To the Bruce Mines and Algoma Railway Company, from its present terminus at or near Rock Lake, for a distance not exceeding six miles in a northerly direction, a cash subsidy of \$3,000 per mile.

Cash subsidy to the Canada Atlantic Railway Co.

(b) To the Central Ontario Railway Company, from its present terminus northerly to the Canada Atlantic Railway, between Whitney and Madawaska Station, for a distance not exceeding fifteen miles, a cash subsidy of \$3,000 per mile.

Land grants to certain railways.

2. The Lieutenant-Governor in Council may set apart by Order in Council, out of the ungranted lands of Ontario, and grant as subsidies to the respective railway companies hereinafter mentioned, as follows:—

To the Bruce Mines and Algoma Railway Co.

(a) To the Bruce Mines and Algoma Railway Company, from its present terminus at or near Rock Lake, for a distance not exceeding six miles in a northerly direction, 1,000 acres per mile.

To the Lac Seul, Rat Portage and Keewatin Railway Co.

(b) To the Lac Seul, Rat Portage and Keewatin Railway Company, through the Town of Kenora northerly to the Transcontinental Railway, a distance not exceeding twenty miles, 1,000 acres per mile.

(c)

- (c) To the Superior and Western Ontario Railway Company, from a point on the Fort William branch of the Grand Trunk Pacific Railway, east of Waco Station, northerly a distance not exceeding seven miles, 1,000 acres per mile.

To the Superior and Western Ontario Railway Co.

3. The provisions of section 2 of chapter 35 of the Acts passed in the 52nd year of the reign of Her late Majesty Queen Victoria, respecting the option of substituting half-yearly payments for forty years in lieu of cash payments, and all the conditions provided by section 3 of the said Act, not inconsistent with this Act, shall apply to the grants of cash subsidies hereby made.

Application of 52 Vic., c. 35, s. 2, to the cash subsidies provided by sec. 1.

4. The granting of the said land to the respective companies hereinbefore mentioned, is subject to the following express terms and conditions:—

Conditions of land grants provided by sec. 2.

- (a) The work of constructing the Lac Seul, Rat Portage and Keewatin line of railway shall be commenced within two years, and completed within three years from the passing of this Act.
- (b) The work of constructing the Superior and Western Ontario Railway Company and the Bruce Mines and Algoma line of railway, shall in each instance be commenced within one year, and completed within two years from the passing of this Act.
- (c) The work of constructing the Central Ontario line of railway shall be commenced within three months and completed within two years from the passing of this Act.

Ontario Central Railway.

- (d) All pine timber shall be reserved to the Crown and be the property of His Majesty, who may place the same under Timber License, and grant the licensees of the Crown the right to enter upon the lands, make roads, and do all things necessary for the removal of the said pine timber.

Pine timber reserves.

- (e) All ores, mines and minerals, base and precious, and all powers, rights and privileges appertaining thereto and necessary for the proper working of the same, shall be expressly reserved for the Crown, and shall be the property of His Majesty, who may deal with the same as provided by *The Mining Act of Ontario*.

Ores, mines and minerals reserved.

s Edw. VII. c. 21.

Unsurveyed  
lands to be  
surveyed by  
Crown Lands  
Department.

5. The unsurveyed lands to be granted to the Company shall be surveyed by the Crown Lands Department, and the plans and field notes thereof filed in the said Department. The surveys shall be in accordance with the system of surveys prescribed for the Crown Lands.

6 Edw. VII.,  
c. 19, s. 46,  
subs. 3  
repealed.

6. Subsection 3 of section 46 of the Act passed in the 6th year of His Majesty, and Chaptered 19, is hereby repealed.

## CHAPTER 70.

## An Act respecting the Algoma Central and Hudson Bay Railway Company.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. An extension to the 31st day of December, 1911, is hereby granted to The Algoma Central and Hudson Bay Railway Company to earn the Land Grant, granted to said Railway by the Act passed in the 63rd year of the reign of Her late Majesty, Queen Victoria, Chaptered 30; provided, however, that the following conditions shall be fulfilled and performed to enable or entitle the Company to have or obtain any of the land grants provided by said Act:

Land grant to  
Algoma Central  
and Hudson Bay  
Railway  
Company.  
63 V. c. 30.

(a) That The Lake Superior Corporation commences forthwith work on the extension and betterment of the plants of the Subsidiary Companies of said Corporation at Sault Ste. Marie, Ontario, and expends in such extension and betterment at least \$1,500,000 by the 31st of December, 1910.

Condition for  
extension of  
line to earn  
grant.

(b) That the Railway Company begins at once the survey and exploration and begins actual construction work on the railway on or before the 1st day of May, 1910, and from such date expends at least the sum of \$25,000 per month on such construction work until the railway has been extended, including the main line and the Michipicoten Branch, to a connection with the main line of the Canadian Pacific Railway, such extension to be completed by the 31st of December, 1911.

(c) That the Crown shall have the right to throw open the 1,439.300 acres of land approximately set aside in respect of such Land Grant by Order-in-Council dated the 4th day of February, 1905, to prospectors, including the prospectors of the Company, until the 31st day of December,

8 Edw. VII.,  
c. 21.

ber. 1910, or such earlier date as the Company shall have completed the railway to the main line of the Canadian Pacific Railway, or the Crown may agree to, and that title to any lands on which minerals have been discovered be conferred upon the discoverer thereof or other party entitled thereto, under and pursuant to the provisions of *The Mining Act of Ontario*, not including, however, any iron, coal, iron pyrites or nickel contained in such lands, all of which shall be reserved for the Company; any moneys to be received by the Crown in respect of such minerals to be set apart by the Crown for the Company and to be paid to the railway company when the conditions on which the Land Grant is earned have been fulfilled.

(d) That the Crown shall have the right to permit settlers to enter on and the right to sell at fifty cents per acre and to grant patents to *bona fide* settlers on the land set aside in respect of such Land Grant, reserving all minerals; the Crown to place in a special fund all moneys received by it in respect to these lands, such moneys to be paid over to the Company on its compliance with the above conditions.

8 Edw. VII.,  
c. 21.

(e) That, where any party at the date of the passing of this Act may have made *bona fide* discovery of minerals on the said lands, and where such discovery has been duly proved under the terms of *The Mining Act of Ontario*, within sixty days from said date, the Crown shall have the right to grant such person or persons patents to the lands, including the usual rights as to the minerals discovered under and pursuant to the provisions of *The Mining Act of Ontario*, on the various provisions of said Act being complied with.

Conditions  
substituted for  
certain other  
conditions.

2. The fulfilment and performance of the conditions set out in section 1 of this Act shall be deemed and taken as a fulfilment and performance of the obligations imposed and as a satisfaction of the conditions necessary for the earning of the Land Grant under said Act passed in the 33rd year of the reign of Her late Majesty, Queen Victoria, Chapter 30, and any amendments thereto.

63 V., c. 30.

## CHAPTER 71.

## An Act respecting Aid to the Canadian Northern Ontario Railway.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The word "Company" shall mean The Canadian Northern Ontario Railway Company. Interpretation.

2. The Lieutenant-Governor in Council may set apart out of the ungranted lands of Ontario, within the Districts of Algoma and Thunder Bay and grant as a subsidy to the Company as hereinafter provided four thousand (4,000) acres of land for every mile of railway which may be constructed by the Company from a point on its constructed line, as shewn on the map of such line filed in the Department of Crown Lands, at or near Sellwood Junction northerly and westerly towards Port Arthur, for a distance not exceeding five hundred (500) miles. Lieutenant-Governor may make grant of land to Canadian Northern Ontario Railway Company.

3. Subject to the provisions of this Act the said lands shall be granted to the Company in alternate blocks, designated by the Minister of Lands, Forests and Mines, of one township of nine miles square immediately adjoining or abutting upon the said line of railway extending along the said line of railway in the clay belt. Any deficiency in acreage granted by this Act shall be set apart at such places and in such areas as may be directed by the Lieutenant-Governor in Council. Land to be designated by Minister of Lands, Forests and Mines.

4. The granting of the said land is subject to the following express terms and conditions:— Conditions of land grants.

- (a) The work of constructing the said line of railway shall be commenced within one year after the passing of this Act and shall proceed with the utmost despatch and shall be completed by the thirty- Time of commencement and completion of line.

thirty-first day of December, A.D. 1913, unless prevented by causes beyond the control of the Company, in which case the Lieutenant-Governor in Council may grant such extension as he may deem advisable for the period of such delay.

Sale of lands granted to be subject to control of Lieutenant-Governor.

- (b) The said lands shall be sold at such times, under such conditions and for such prices as the Lieutenant-Governor in Council shall by order in Council from time to time determine and any sale of the said lands or any portion thereof made at any time in breach of this subsection shall be void; Provided that the terms and conditions set out in any such Order in Council and referring to any specific area, shall not be set aside, changed or varied by any subsequent Order in Council unless by agreement.

Tenure of lands granted.

5. The lands hereinbefore set forth to be granted to the said Company shall be granted in fee simple subject to the following reservations:

Reservation of minerals.

- (a) All ores, mines and minerals, base and precious, and all powers, rights and privileges appertaining thereto and necessary for the proper working of the same shall be expressly reserved for the Crown and shall be the property of His Majesty, who may deal with the same as provided by *The Mining Act of Ontario*.

8 Edw. VII., c. 21.

Reservation of pine timber.

- (b) All pine timber, on lands granted to the Company, save Jack Pine on land not suitable for agricultural purposes and save all such pine as shall be actually necessary for bridge-work and other construction purposes, shall be reserved to the Crown and be the property of His Majesty, who may place the same under Timber License and grant the licensees of the Crown the right to enter upon the lands, make roads, and do all things necessary to the removal of the said pine timber.

Settlers' right to timber on agricultural lands.

- (c) On lands fit for agricultural purposes the settlers thereon shall have the right to cut and use all timber not reserved to the Crown.

Land to be granted on construction of ten-mile sections.

6. Upon the construction of any section of ten miles of the said line of railway, the Lieutenant-Governor in Council upon the request of the Company, may grant to the Company the acreage earned by it in respect of such construction but subject to the provisions of this Act.



7. Subsections 1 and 2 of section 2, and sections 3, 4, 5, 6, 7, 19 and 22 of the Act passed in the 4th year of His Majesty's reign and Chaptered 18, are hereby incorporated by reference *mutatis mutandis* and omitting all those portions of said sections referring to cash subsidies, with the word "Company" substituted for the words "Grand Trunk Pacific Railway Company" and the words "Lieutenant-Governor in Council" for the words "The Railway Committee of the Executive Council of Ontario," and the words "*The Ontario Railway Act, 1906*," for the words "*The Railway Act*" wherever the same occur in such sections. <sup>4 Edw. VII: c. 18.</sup>

8. The unsurveyed lands to be granted to the company shall be surveyed by the Crown Lands Department and the plans and field notes thereof filed in the said Department; the surveys shall be in accordance with the system of surveys prescribed for the Crown Lands. <sup>Lands to be surveyed.</sup>

9. Where a block of land allotted to the said company includes within its limits lands located or claimed by settlers or others having any right or interest therein under any Act of this Province, either as purchasers from the Crown or as *bona fide* applicants therefor, the lands so settled upon, purchased or applied for shall not be included in the block of land allotted to such company, but such company shall be entitled to an equal acreage of other land in lieu thereof, and the said substituted lands may be set apart and allotted as provided in section 3 of this Act. <sup>Certain lands to be excepted.</sup>

10. Section 58 of *The Statute Law Amendment Act, 1907*, is hereby repealed and all subsidies to the James Bay Railway given by the Act passed in the second Session held in the 62 year of the reign of Her late Majesty Queen Victoria, Chaptered 23, are hereby cancelled and revoked. <sup>7 Edw. VII. c. 23, s. 58 repealed. 62 Vict. (2), c. 23.</sup>

## CHAPTER 72.

An Act respecting the Manitoulin and North Shore  
Railway Company.*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Extension of  
time for earn-  
ing land grant  
under 1 Edw.  
VII., c. 23.

1. An extension to the 31st day of December, 1911, is hereby granted to The Manitoulin and North Shore Railway Company to earn the Land Grant granted to said railway by the Act passed in the first year of the reign of His Majesty, King Edward VII., Chaptered 23, with respect to that portion of the line of railway of said Company from Little Current, in the District of Manitoulin, to the Town of Sudbury; provided, however, that the following conditions shall be fulfilled and performed to enable or entitle the Company to have or obtain any of the Land Grants provided by said Act;

Conditions.

(a) That the Railway Company begins the surveys of the line on or before the 1st day of May, 1909.

(b) That the Railway Company begins actual construction on or before the 1st day of July, 1909, and expends \$15,000 a month for each month of the six months ending 31st December, 1909, in actual construction work.

(c) That the Railway Company continues construction during the whole of the year 1910, and from 1st day of January, 1910, expends not less than \$25,000 each month throughout the year in actual construction work, and

(d) That the Railway Company completes at least 36 miles of the line by the 31st day of January, 1911, in addition to the portion of the railroad now constructed and in operation, and completes the entire lines from Sudbury to Little Current on or before the 31st day of December, 1911.

2. The fulfilment and performance of the conditions set out in section 1 of this Act shall be deemed and taken as a fulfilment and performance of the obligations imposed and as a satisfaction of the conditions necessary for the earning of the Land Grant under said Act passed in the first year of the reign of His Majesty, King Edward VII., Chapter 23, and any amendments thereto.

Performance of conditions to be satisfaction of condition imposed by 1 Edw. VII., c. 23.

3. There shall be granted out of the Consolidated Revenue Fund to The Manitoulin and North Shore Railway Company for the construction of a railway from the Town of Little Current to a point about 13 miles from the Town of Sudbury, a distance not exceeding 53 miles, a cash subsidy of \$5,000 a mile.

Cash subsidy.

4. The subsidy granted by section 3 of this Act is subject to the performance by the Railway Company of the conditions set out in section 1 of this Act; provided, however, that such cash subsidy may be paid to the Company as each section of ten miles in length of railway is constructed and completed, so as to admit the regular running of trains thereon. In all other respects such subsidy shall be payable subject to the conditions, so far as the same are applicable, contained in *The Act respecting aid to certain Railways* passed in the first year of the reign of His Majesty, King Edward VII., Chapter 22.

How and when payable.

Proviso.

1 Edw. VII. c. 22.

5. The provisions of section 2, of chapter 35, of the Acts passed in the 52nd year of the reign of Her late Majesty, Queen Victoria, respecting the option of substituting half-yearly payments for forty years in lieu of a cash payment, and in proportion for grants of five thousand dollars per mile, and all the conditions provided by section 3 of the said Act not inconsistent with this Act shall apply to the grants of cash subsidies hereby made.

52 Vict. c. 35, to apply to cash subsidies.

6. The granting of such subsidy and the receipt thereof by the Company shall be subject to the condition that the Lieutenant-Governor in Council may at all times require the Company to provide and secure to other railways such running rights, powers, traffic arrangements and other rights over and in respect of the Company's railway as will afford to all railways connecting with the said line so subsidized, reasonable and proper facilities in exercising such running powers, fair and reasonable traffic arrangements with connecting companies and equitable mileage rates between all such connecting railways.

Reservation to the Lieutenant-Governor of power to grant running powers to other railways.

7. Subsections 1 and 2 of section 46 of the Act passed in the 6th year of His Majesty's reign and Chapter 19, and all amendments are hereby repealed.

6 Edw. VII. c. 19, s. 46, repealed.

## CHAPTER 73.

## The Municipal Amendment Act, 1909.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

3 Edw. VII.,  
c. 19, s. 11  
amended.

1. Section 11 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsections:

Incorporation  
of police  
village.

(1a) The council or councils of any county or counties may in like manner erect a police village containing over 750 inhabitants into an incorporated village.

By-Laws  
heretofore  
passed.

(1b) Any by-law or by-laws heretofore passed by the council or councils of any county or counties erecting a police village containing over 750 inhabitants into an incorporated village shall be as valid and effectual as if subsection (1a) had been in force at the time of the passing thereof.

3 Edw. VII.,  
c. 19, s.s. 39a  
to 39c, repeal-  
ed.  
6 Edw. VII.,  
c. 34.

2. Sections 39a to 39c of *The Consolidated Municipal Act, 1903*, as enacted by section 2 of *The Municipal Amendment Act, 1906*, are repealed.

3 Edw. VII.,  
c. 19, s. 71a,  
amended.

3.—(1) Section 71a of *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following as subsection 3a:—

Composition  
of councils in  
certain towns.

3a. Notwithstanding anything herein the council of a town situate in a Provisional Judicial District, and having a population of more than 5,000 and less than 10,000 may by by-law provide that the council of such town shall be composed of the mayor and nine councillors, to be elected by general vote.

(2) Subsection 4 of said section 71a is amended by inserting after the word and figure "subsection 3" in the second line the words "or subsection 3a."

(3)

(3) Subsection 7 of the said section 71a is amended by inserting after the figure "3" in the twelfth line "3a."

4. Subsection 3a of section 129 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "office" in the eighth line thereof the words "and that he is not liable for any arrears of taxes to the municipality, and that there are no arrears of taxes against the lands in respect of which he seeks to qualify." 3 Edw. VII. c. 19, s. 129, subsec. 3a, amended.

5.—(1) Subsection 1 of section 219 of *The Consolidated Municipal Act, 1903*, is amended by adding at the beginning thereof the words "in case the right of a municipality to a deputy reeve or deputy reeves or" and by inserting after the word "appointed" in the 8th line, the words "and when the right of a municipality to a deputy reeve or deputy reeves is the matter contested, any municipal elector in the county may be the relator, and when the contest is respecting the validity of any such election." 3 Edw. VII. c. 19, s. 219, subsec. 1, amended.

(2) Subsection 1 of section 232 of the said Act is amended by inserting after the word "election" in the 3rd line the words "or the right to a deputy reeve or deputy reeves."

6. Subsection 1 of section 276b of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:— 3 Edw. VII. c. 19, s. 276 b, subsec. 1, repealed.

(1) Notwithstanding anything in this Act or in any special Act contained, the Municipal Council of the City of Toronto shall consist of the Mayor and four Controllers, to be elected from the city at large, and twenty aldermen, three of whom shall be elected from each of the six wards existing on the 1st of January, 1909, and two from Ward No. 7, and the four Controllers so elected, together with the Mayor shall be the Board of Control for the said city. Provided, however, that when the population of the said Ward No. 7 shall have reached 30,000 (according to the assessment roll) there shall be three aldermen elected from the said ward, and there shall then be in all twenty-one aldermen in the said council. Council—how composed.

7. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section: 3 Edw. VII. c. 19, amended.

276c.—(1) The council of any city having a population of less than 100,000 but more than 45,000 may by by-law provide that the municipal council Board of Control in city of less than 100,000 and more than 45,000.

of

of the city, shall thereafter consist of a mayor, and four controllers to be elected by the city at large, and the aldermen to be elected from the wards of the city under section 70; and the four controllers so elected together with the mayor, shall be the Board of Control for the said city.

- (2) An elector entitled to vote for mayor shall also be entitled to vote for four persons to be elected controllers or for one or more of them less than four and the aldermen shall be elected in the manner at present provided by law by the municipal electors entitled to vote in each of the wards in which they are qualified so to vote.
- (3) The candidates for the office of controller shall be nominated at the same time and place and in the same manner as candidates for the office of mayor; and the provisions of this Act as to the nomination and election of a mayor, including election by acclamation, shall except as otherwise provided herein *mutatis mutandis* apply to the nomination and election of controllers.
- (4) Any person desiring to vote for a controller shall do so by placing a cross opposite the name of the candidate for whom he desires to vote.
- (5) No person shall be qualified to be elected to the office of controller who does not possess the property and other qualifications required for mayor by section 76.
- (6) The mayor when present, shall preside at the meetings of the Board, and in his absence the Board shall select one of their number to preside.
- (7) The council may fix by by-law the salaries to be paid to the members of the Board of Control elected under this section; but the same shall not exceed for each member \$1,500 per annum.
- (8) If any member of the Board dies, resigns, or becomes incapable of acting, the council may, at a meeting called for that purpose, appoint a successor to hold office for the unexpired portion of the term of such member.
- (9) No by-law shall be passed under this section, nor shall any by-law repealing any by-law passed under this section, be passed until it has been submitted to the electors, and has received the assent of a majority of the electors voting thereon.

8. Section 300 of *The Consolidated Municipal Act, 1903*, <sup>3 Edw. VII., c. 19, s. 306</sup> is repealed. <sub>repealed.</sub>

9. Section 351 of *The Consolidated Municipal Act, 1903*, <sup>3 Edw. VII. c. 19, s. 351</sup> is amended by adding after the word "except" in the fourth <sub>amended.</sub> line the words "subsections 1 and 2."

10. Subsection 1 of section 354 of *The Consolidated Municipal Act, 1903*, <sup>3 Edw. VII. c. 19, s. 354, subs. 1</sup> is amended by adding at the end <sub>amended.</sub> thereof the words "and provided further that he has at least ten days next preceding the day of polling filed in the office of the clerk of the municipality a statutory declaration stating that his lease meets the above requirements, and the clerk shall insert or otherwise designate the names of such tenants in the Voters' List prepared in accordance with the provisions of section 348 of this Act, and the notice required by subsection 3 of section 338 of this Act shall also contain a statement that the names of leaseholders neglecting to file such a declaration shall not be placed on the Voters' List for such voting."

11.—(1) Subsection 3 of section 384 of *The Consolidated Municipal Act, 1903*, <sup>3 Edw. VII. c. 19, s. 384, subs. 3</sup> is amended by striking out the first <sub>amended.</sub> three lines thereof and substituting therefor the following: "The debentures, save as hereinafter provided, shall all be issued within two years after the passing of the by-law unless upon the application of the Council such period <sup>Time within which debentures to be issued.</sup> of two years is extended by The Ontario Railway and Municipal Board and shall all bear the same date and may, notwithstanding any provision in the by-law, bear any date within such two years, or any extension thereof by such Board provided that" and by inserting in the seventeenth line the words "dated and" before the word "issued."

(2) The said subsection is further amended by striking <sup>3 Edw. VII. c. 19, s. 384, subs. 3</sup> out all the words in the 17th line after the word "law" <sub>amended.</sub> and substituting the words "unless upon the application of the council such period of five years or two years respectively is extended by the said Board, and in such case the debentures may be dated and issued accordingly."

(3) Subsection 5 of the said section is amended by adding <sup>3 Edw. VII. c. 19, s. 384, subs. 5</sup> after the word "by-law" in the last line the words "or by <sub>amended.</sub> the said Board."

12. *The Consolidated Municipal Act, 1903*, is further <sup>3 Edward VII. c. 19 amended.</sup> amended by adding after section 388a, the following <sub>section:—</sub>

388b. The council of any municipality may by by-law <sup>Raising amount required to comply with order of Railway Board.</sup> passed with the approval of The Ontario Railway and Municipal Board, and without submitting the same for the assent of the electors,

electors, raise upon the credit of the municipality such sum or sums of money as may be required to pay and liquidate the share ordered to be paid by such city of the cost of the construction of any work ordered to be constructed by the Board of Railway Commissioners for Canada or the Ontario Railway and Municipal Board or of any work or improvement which in the opinion of The Ontario Railway and Municipal Board has been rendered necessary or expedient by the construction of the bridge, work or improvements ordered by either of the said boards, or to provide for the cost of acquiring such portion of any toll road as may be or may come to be within the boundaries of such city by reason of the extension of its limits.

3 Edw. VII.,  
c. 19, s. 389  
subs. 1  
amended.,

**13.** Subsection 1 of section 389 of *The Consolidated Municipal Act, 1903*, is amended by substituting the word "four" for the word "two," where the same occurs in the first line thereof.

3 Edw. VII.  
c. 19, s. 484  
amended.

**14** Section 484 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection :—

Regulating  
traffic.

(6) The Board of Commissioners of Police in cities may make regulations governing parades or processions on highways, and may from time to time, and as occasion may require, make regulations for the routes of travel to be observed by all vehicles (but this shall not apply to the right of any street railway company to regulate the routes of its cars if so entitled), horses and persons upon the highways, and for preventing the obstruction of the highways in all times of public processions or public demonstrations, and may also give directions to the Police Constables for keeping order, and preventing any collision or obstruction of traffic at the intersections or other frequented portions of the highways, on all occasions or times when the highways may be thronged, or liable to obstruction, and may attach penalties for the enforcement of such regulations, and the orders and directions of the police constables thereunder, which may be recovered in the manner provided by law in the case of by-laws passed by such Boards. Before any regulation or direction which may affect a street railway company is made, the company shall be given an opportunity of presenting its views to the Board.



15. Section 11 of *The Municipal Amendment Act, 1908*, <sup>8 Edward VII., c. 48 s. 11</sup> is hereby repealed. <sup>repealed.</sup>

16. Subsection (c) of paragraph 2 of section 532 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "and" in the fourth line thereof, the words <sup>3 Edw. VII., c. 19, s. 532, par. 2</sup> "a notice thereof to be approved of by the Judge, shewing amended." <sup>amended.</sup>

17. *The Consolidated Municipal Act, 1903*, is amended <sup>3 Edw. VII., c. 19 amended.</sup> by inserting therein the following section:—

534a. Whenever a municipal corporation is entitled to <sup>Taking more land than</sup> expropriate land in virtue of any power conferred upon it by this Act or *The Municipal Waterworks Act* and it appears to the council or the Board of Water Commissioners that it can acquire a larger quantity of land from any particular owner at a more reasonable price on the average, or on terms more advantageous than those upon which it could obtain the portion thereof immediately required by it for its purposes, it may take such larger quantity and may afterwards sell and dispose of the part of such land which is unnecessary for its purposes. <sup>required.</sup>

18. Section 541 of *The Consolidated Municipal Act, 1903*, is amended by adding the following paragraph: <sup>3 Edw. VII., c. 19, s. 541</sup> amended.

8. For regulating the location of stables, garages, <sup>Regulating location of</sup> barns, outhouses and manure pits. <sup>stables, etc.</sup>

19. Paragraph 3a of section 542 of *The Consolidated Municipal Act, 1903*, is amended by inserting at the beginning thereof the words "for regulating and" and by inserting after the word "light" in the second line the word <sup>3 Edw. VII., c. 19, s. 542, part 3a</sup> "heat." <sup>amended.</sup>

20. The paragraph numbered 1 in section 553 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the words, "and for preventing in the case of cities of upwards of 100,000 the erection of dwellings, or the alteration of other buildings for such purpose if the same front on a street less than 40 feet in width unless such street has been duly laid out and accepted by the municipality as a public highway." <sup>3 Edw. VII., c. 19, s. 553, par. 1</sup> amended. <sup>No building except on public street.</sup>

21. Section 559 of *The Consolidated Municipal Act, 1903*, is amended by adding the following words and paragraph:— <sup>3 Edw. VII., c. 19 amended.</sup>

By

By the councils of counties:—

Regulating  
erection of  
poles, towers,  
wires, etc., on  
county roads.

- (4b) For authorizing and regulating the erection and maintenance of electric light, electric power, telegraph and telephone poles, towers and wires, and the laying of pipes or conduits for the conveyance of water, gas or sewage on roads under the jurisdiction of the council.

3 Edw. VII.,  
c. 19, s. 569,  
subs. 5  
amended.

22. Subsection 5 of section 569 of *The Consolidated Municipal Act, 1903*, as enacted by section 21 of *The Municipal Amendment Act, 1906*, and as further amended by section 15 of *The Municipal Amendment Act, 1907*, is hereby further amended by adding after the word “energy” at the end of said last mentioned section 15 the words, “or sewerage works or works for the interception, purification or disposal of sewage,” and by inserting after the word “corporation” where the same first occurs in the said subsection the words, “or uses or has used the money of the corporation for the purchase, acquisition or construction of such works,” and by inserting after the word “interest” in the fourth line from the end of the said subsection the words “or if it be shown in the case of the extension or improvement of sewerage or sewage works to the satisfaction of the Ontario Railway and Municipal Board that such extensions or improvements are necessary and are required and approved of by the Provincial Board of Health.

Sewerage or  
sewage dis-  
posal works.

3 Edw. VII., c.  
19, s. 580, par. 3.

23. Paragraph 8 of section 580 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:—

Hucksters, etc.

8. For preventing and regulating the purchase of such things by hucksters, grocers, butchers, runners or wholesalers, and for the purpose of this paragraph “wholesaler” shall include any one directly or indirectly purchasing or acquiring such things for re-sale.

3 Edw. VII.,  
c. 19, s. 583,  
par. 4 amended.

24. Paragraph 4 of section 583 of *The Consolidated Municipal Act, 1903*, is amended by adding the word “pool” after the word “billiard” wherever it occurs therein, and by adding after the word “force” in the 7th line thereof the words “For limiting the number of licenses to be issued hereunder and for limiting the number of pool, billiard or bagatelle tables which shall be licensed in the municipality.”

3 Edw. VII.,  
c. 19, s. 583,  
pars 12 and 13  
repealed.

25. Paragraphs 12 and 13 of section 583 of *The Consolidated Municipal Act, 1903*, are repealed.

3 Edw. VII.,  
c. 19, s. 587  
amended.

26. Section 587 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following paragraph:—

13. For granting aid to any philanthropic society, Aid to Industrial Schools.  
within the meaning of *The Industrial Schools Act*, upon the board of which the municipal council is represented for the erection, establishment or equipment of an industrial school.

27. Section 591c of *The Consolidated Municipal Act*, 3 Edw. VII., c. 19, s. 591c  
1903, is repealed, and the following substituted therefor:— repealed.

591c. The council of every municipality may pass by-laws for making an annual grant towards the maintenance and operation of ferry boats or other appliances used at any ferry over a stream or other water separating a part of such municipality from another part thereof or separating the municipality from any other municipality in Ontario. Grants to ferries.

28. Section 595 of *The Consolidated Municipal Act*, 1903, 3 Edw. VII., c. 19, s. 595  
is amended by striking out the word "shall" in the first amended.  
line and inserting in lieu thereof the word "may."

29. Subsections 1 and 2 of section 618 of *The Consolidated Municipal Act*, 1903, enacted by section 24 of *The Municipal Amendment Act*, 1907, are repealed and the following 3 Edw. VII., c. 19, s. 610  
substituted therefor:— amended.  
5 Edw. VII., c. 22.

618.—(1) Whenever there is a dispute between one or more counties and one or more local municipalities (other than cities and separated towns) as to the duty or liability to build and maintain a bridge in whole or in part or as to the proportions in which they should respectively contribute to the building or maintenance of such bridge the council of any of such municipalities may by resolution set forth the grounds of complaint or the question in dispute and may by such resolution declare that application should be made to the Judge of the County Court of the county or one of the counties for an order determining the matter in dispute. Settlement of disputes between counties and local municipalities as to bridges.

(2) After the passing of such resolution the clerk of each municipality shall forthwith serve a copy thereof, certified to be a true copy under his hand and the corporate seal of the municipality, upon the clerk or clerks of the other municipality or municipalities affected. Resolution to be served on clerks of other municipalities.

(2) Subsection 3 of the said section is amended by adding after the word "county" in the 4th line the words, "or one of the counties," by adding after the word "clerk" in the 7th line, the words "or clerks" and by adding after the word "municipality" in the 7th line the words "or municipalities."

3 Edw. VII.,  
c. 19, s. 618,  
subs. 4  
amended.

(3) Subsection 4 of the said section is amended by adding after the word "fit" in the 5th line the words "or any."

3 Edw. VII.,  
c. 19, s. 618,  
subs. 5  
amended.

(4) Subsection 5 of the said section is amended by adding after the word "corporation" in the 2nd line the words "or corporations," by adding after the word "office" in the 6th line the words "or offices" and by adding after the word "division" in the 6th line the words "or registry divisions."

3 Edw. VII.,  
c. 19, s. 660  
amended

30. Section 660 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following paragraph:—

*Prizes for Keeping up Roadside, etc.*

Prizes for best  
kept roadside  
and farm front,  
etc.

- (5) For granting a prize not exceeding \$10 for the best kept roadside, farm front and farm house surroundings, in each public school section in the township, and for prescribing the conditions upon which such prizes may be competed for and awarded.

3 Edw. VII.,  
c. 19,  
amended.

31. *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following immediately after section 663:—

*Division VII.*

*Powers of cities and towns as to aiding townships in constructing and maintaining roads and bridges.*

Aid from city  
or town to  
neighbouring  
township for  
construction  
or maintain-  
ance of cer-  
tain roads.

- 663a. The council of any city or town may pass by-laws for granting aid to a township municipality situate in the same or an adjoining county for establishing, opening up, constructing, maintaining, widening, raising, lowering or otherwise improving or repairing a road or bridge in such township which constitutes or forms part of a highway leading to such city or town.

3 Edw. VII.,  
c. 19, s. 668,  
subs. (1)  
amended.

32. Subsection 1 of section 668 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "such final determination" in the 13th and 14th lines thereof, and inserting in lieu thereof the words "being affixed thereto."

3 Edw. VII.,  
c. 19, s. 669  
amended.

33. Subsection 3 of section 669 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "such final determination" in the 5th line thereof and inserting in lieu thereof the words "being affixed thereto."

3 Edw. VII.,  
c. 19, s. 674, cl.  
a amended.

34. Clause a of section 674 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the words "and the share to be borne by the lands determined to

to be benefited may be provided for by the issue of debentures on the credit of the corporation at large and assessed upon and charged against such lands as a frontage tax in like manner as in the case of the share of the property owners of other local improvements.”

35. *The Consolidated Municipal Act, 1903*, is amended <sup>3 Edw. VII.,  
c. 19  
amended.</sup> by inserting therein the following section:—

679a. In entering into a contract for the construction of a pavement or sidewalk as a local improvement, a municipality may require a contractor to guarantee that he shall so construct the same that it shall for a period, not exceeding ten years, remain in good condition and suitable for safe and comfortable travel thereon, and that he will, when required, make good any imperfections therein due to materials, workmanship or construction. <sup>Guarantee  
of work.</sup>

36. Section 697 of *The Consolidated Municipal Act, 1903*, is amended by adding the following subsection:— <sup>3 Edw. VII.,  
c. 19, s. 679  
amended.</sup>

(2) The council of every town may pass by-laws to authorize companies or individuals to construct tramways, to be used in connection with any manufacturing or other industry, along any highway on such terms and conditions as the council sees fit.

## CHAPTER 74.

## An Act to amend The Municipal Act.

*Assented to 29th March, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

3 Edw. VII.  
c. 19, s. 533,  
amended.  
Submission of  
questions to  
ratepayers.

1. Paragraph 1a of section 533 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "at any annual municipal election" in the 2nd line of the said paragraph.

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## CHAPTER 75.

## An Act respecting certain Municipal By-laws and Agreements.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## 1. In this Act

Interpretation.

"Public Utility" shall mean and include water-works, gas-works, electric light, heat or power works or similar works operated under any general or special Act or under Letters Patent of the Province of Ontario.

2.—(1) The council of a municipality shall not grant to any individual or company the right to use or occupy any of the streets of the municipality or to construct or operate any railway, street railway or public utility in the municipality or to supply to the corporation for the purposes thereof water, gas, electric light, heat or power unless and until the by-law setting forth the terms and conditions upon which and the period for which such right is to be granted has been submitted to and has received the assent of the electors of the municipality in the manner provided in *The Consolidated Municipal Act, 1903*, with respect to by-laws requiring the assent of the electors.

Council not to grant franchises, etc., without approval of electors.

3 Edw. VII.  
c. 19.

(2) Where the police trustees of a police village request the council of the township or the councils of the townships in which the police village is situate to grant any such right to an individual or a company within the limits of the police village or where the incorporated Board of Police Trustees of a police village desire to grant such right to an individual or a company it shall be a sufficient compliance with the provisions of subsection 1 if the by-law or agreement is submitted to and receives the assent of the electors in such police village.

Exception  
as to certain  
by-laws and  
agreements.

3. This Act shall not apply to,—

- (a) Any right granted to or exercisable by a railway company without the consent of the municipality, by or under the provisions of *The Railway Act of Canada* or *The Railway Act of Ontario*;
- (b) A by-law conferring upon an individual or company, the right of passing through the municipality for the purpose only of continuing a line, work or system which is intended to be operated in and for the benefit of another municipality and is not to be used or operated in the municipality for any other purpose except the supplying of natural gas or electric light or power in a township to persons whose property adjoins the highway along which the works are carried;
- (c) A by-law or agreement conferring upon an individual or company the right of constructing, using and operating such works as may be required for the transmission of oil, natural gas or water not intended for sale in the municipality granting such right;
- (d) A by-law or agreement which is expressly limited in its operation to a period not exceeding one year.

Act to apply to  
by-laws and  
agreements  
after 11th  
March, 1909.

4. Save as aforesaid this Act shall apply to every by-law, resolution or agreement passed or entered into after the sixteenth of March, 1909.

3 Edw. VII.,  
c. 19, s. 568,  
subs 1  
repealed.

5. Subsection 1 of section 568 of *The Consolidated Municipal Act, 1903*, is repealed.



## CHAPTER 76.

## An Act to amend The Ontario Municipal Securities Act, 1908.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Ontario Municipal Securities Act, 1908*, is amended by adding after the word "itself" in the third line, the words "or where the by-law has been amended by the council to conform with the provisions of the general or special Act, as the case may be, and the burden on the ratepayers is not increased by the amending by-law." 8 Edw. VII., c. 51, s. 4 amended.

2. Section 10 of the said Act is amended by striking out the words "Secretary of the Board" in the last line and substituting therefor the words "Treasurer of Ontario." 8 Edw. VII., c. 51, s. 10 amended.

3. Section 11 of the said Act is amended by striking out the words "Secretary of the Board" in the fifth and sixth lines and substituting therefor the words "Treasurer of Ontario." 8 Edw. VII., c. 51, s. 11 amended.

4. Section 13 of the said Act is repealed.

8 Edw. VII., c. 51, s. 13 repealed.

## CHAPTER 77.

An Act to amend The Act respecting Statute Labour.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

4 Edw. VII.,  
c. 25, amended. 1. *The Act respecting Statute Labour* is amended by adding thereto the following section:—

Statute Labour  
roll in un-  
organized  
townships.

32a.—(1) The Commissioners shall cause a book to be kept in which there shall be entered the name of every person liable for the performance of statute labour or payment of the commutation and the lot or parcel of land in respect of which he is so liable.

Entry of  
payment or  
performance.

(2) Upon the performance of statute labour or payment of the commutation entry shall be made thereof in the book in a column provided for that purpose.

Entry of  
default.

(3) Where any person after six days' notice in writing from the Commissioners does not perform his statute labour the Commissioners shall cause an entry thereof to be made and in the proper column shall enter the amount of such commutation against the name of the person in default.

Form of roll.

(4) The book shall be kept as nearly as may be in the form of a collector's roll for an organized township.

Return of  
arrears to  
Sheriff.

(5) On the first day of June in the year following that in which default was made the Commissioners shall make a return to the Sheriff of the District, showing each lot or parcel of land upon which the commutation has not been paid, the name of the owner or locatee, the amount chargeable at the date of the return and the year for which the amount in arrear was imposed.

Sheriff to keep  
account of  
arrears.

(6) The Sheriff shall enter the particulars so furnished in a book to be kept by him for that purpose.

(7)

(7) The Commissioners shall not receive any payments on account of such arrears after the expiration of two years from the date when the same became due and chargeable, but in the case of payments made within that period the Commissioners shall forthwith notify the sheriff thereof and the Sheriff shall enter such payment against the proper lot or parcel in the book kept by him for that purpose.

Payment of arrears not to be made to commissioners after two years.

(8) After the expiration of the said period of two years all arrears shall be payable to the Sheriff and the Sheriff shall enter every payment in the book kept by him and shall return the amount paid to the Commissioners.

After two years all arrears to be paid to Sheriff.

(9) All arrears chargeable under this section shall bear interest at the rate of ten per cent. per annum.

Arrears to bear interest.

(10) Whenever it appears from the entries in the book kept by the Sheriff that any amount chargeable for statute labour is in arrear for three years from the 31st day of December in the year in which the same became payable, the Sheriff shall proceed to collect the same with interest at the rate aforesaid by the sale of the lands in respect of which such arrears are chargeable and the procedure in relation to such sale and the provisions applicable to deeds, the redemption of lands thereafter and deeds to be given to tax purchasers shall be the same as nearly as possible as in the case of the sale of lands by the Sheriff for arrears of taxes in organized municipalities in the Provisional Judicial Districts of Muskoka and Parry Sound.

Sale of land by Sheriff for arrears.

## CHAPTER 78.

## An Act to amend The Municipal Drainage Act.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 226,  
s. 93 repealed.

1. Section 93 of *The Municipal Drainage Act*, as amended by section 4 of the Act passed in the 1st year of His Majesty's reign, Chaptered 30, and as amended by section 5 of the Act passed in the 3rd year of His Majesty's reign, Chaptered 22, is repealed and the following section substituted therefor:—

Application to  
set aside drain-  
age by law,  
report, petition  
or resolution  
to be made by  
Referee.

93.—(1) Subject to the provisions of section 93a, applications to set aside, declare void or otherwise directly or indirectly to attack the validity of any petition, report of an Engineer, resolution of a Council, by-law provisionally adopted or finally passed relating to a drainage work as hereinbefore defined as well as all proceedings to determine claims and disputes arising between municipalities or between a company and a municipality or between individuals and a municipality, company or individual in the construction, improvement or maintenance of any drainage work under the provisions of this Act or consequent thereon or by reason of negligence or for a mandamus or injunction shall be made to and shall be heard and tried by the Referee who shall hear and determine the same and give his decision and his reasons therefor.

Proceedings to  
be instituted  
by notice.

(2) Proceedings for the determination of claims and disputes and for the recovery of damages by reason of negligence or by way of compensation or otherwise or for a mandamus or an injunction under this section shall be instituted by serving 10 clear days' notice setting forth the grounds of the claim for damages or compensation or a mandamus or an injunction as the case may be upon all persons concerned.

(3)

(3) A copy of the notice with an affidavit of service thereof shall be filed with the clerk of the County Court of the county in which the land is situate and the notice shall be filed and served within two years from the time the cause of complaint arose. Notice to be filed in County Court.

(4) All affidavits intended to be used in support of a motion shall be filed with the Clerk of the County Court not less than 10 days before the return day of the motion. Affidavits to be filed 10 days before motion.

(5) Subject to the provisions of section 93a, no application or proceeding within the meaning of this section shall be made or instituted otherwise than as therein provided. Application not to be made otherwise.

(6) Where the amount awarded upon a claim for damages arising out of a drainage work does not exceed \$60, the costs allowed to the plaintiff shall be on the Division Court scale so far as the same is applicable. 3 Edw. VII. chap. 22, sec. 5. Costs on claims not exceeding \$60 on Division Court scale.

2. *The Municipal Drainage Act* is amended by adding the following as section 93a:— Rev. Stat., c. 226 amended.

93a.—(1) Where an action is brought or is pending and the Court in which the same is brought or is pending or a Judge thereof is of opinion that the relief sought therein is properly the subject of a proceeding under this Act or that the same may be more conveniently tried before and disposed of by the Referee, the Court or Judge may, on the application of either party, at any stage of the action make an order transferring it to the Referee on such terms as may be deemed just, and the Referee shall thereafter give directions for the continuance of the action before him, which shall be as far as practicable in conformity with the provisions of this Act as to proceedings by a notice of motion, and subject to the order, all costs shall be in his discretion. Actions may be transferred to Referee.

(2) This section shall apply only where the action is brought within the period limited by this Act for taking proceedings by notice of motion. Application of section.

3. Section 4 of the Act passed in the 2nd year of His Majesty's reign, Chaptered 32, is hereby repealed. 2 Edw. VII. c. 32, s. 34 repealed.

4. Subsection 6 of section 9 of *The Municipal Drainage Act* is amended by inserting after the word "and" in the 7th line the words "the referee may hear and determine the appeal in a summary manner either on his own view of the premises and after hearing the parties and if he sees fit their witnesses or he may direct that." Rev. Stat. c. 236, s. 9, subs. 6 amended.

5. *The Municipal Drainage Act* is amended by adding thereto the following as section 17a:— Rev. Stat. c. 226 amended.

17a.

Referring  
report back to  
engineer for re-  
consideration.

17a. The council may at any time before the final passing of the by-law if it appears that there are or may be errors in the report or assessment of the engineer or that for any other reason the report or assessment should be re-considered refer the report back to him for reconsideration, and the engineer may thereupon re-consider his report and assessment and shall report to the council and the report shall have the same effect and shall be dealt with in the same manner and the proceedings thereon shall be the same as on the original report or assessment and it shall not be necessary that the engineer shall make any further oath or declaration.

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## CHAPTER 79.

## An Act to amend The Municipal Light and Heat Act.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Municipal Light and Heat Act* is hereby amended by adding thereto the following subsection (1a):—

Rev. Stat.  
c. 234, sec. 3  
amended.

(1a) The said corporation shall also have power to produce and supply steam or hot water for heating, and to sell and dispose of the same to any person, firm or corporation, and to heat any buildings within the municipality by means of the same and to charge rates therefor, and to make contracts for supplying such steam or hot water, and all the provisions of this Act shall apply to the methods of heating mentioned in this section.

Municipality  
may produce  
and supply  
steam and hot  
water for  
heating.

2. Section 14 of *The Municipal Light and Heat Act* is amended by adding at the end of such section the following words:—

Rev. Stat.,  
c. 234, s. 14  
amended.

“And where a board of light and heat commissioners has been elected for any municipality the council of the municipality may by by-law place in the hands of such board the management of the reception, distribution and supply of any electrical power or energy to be supplied to the corporation under contract with The Hydro Electric Power Commission of Ontario, and in such case the words “gas or other” and “gas or other light or heat” herein shall include electrical power or energy to be so supplied to the corporation under such contract.”

Board of  
Commissioners  
may be en-  
trusted with  
distribution of  
electrical  
power supplied  
by Hydro-  
Electric Power  
Commission.

3. The said Act is amended by adding the following section:—

Rev. Stat., c.  
234 amended.

Power to  
borrow.

16. The Council of any such municipality may, with the assent of the ratepayers as provided by *The Consolidated Municipal Act, 1903*, respecting money by-laws, pass by-laws authorizing the issue of debentures to pay the cost of any works, constructed under the provisions of this Act.

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## CHAPTER 80.

## An Act respecting Public Libraries and Art Schools.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

## PART I.

ESTABLISHMENT, s. 3.

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Township by-laws for libraries in police villages, s. 4 (2).

By-law for taking over property of Library Association, s. 4 (3).

Council to pass by-law without delay, if assented to, s. 5.

If not assented to, not to be again submitted to electors same year, s. 6.

BOARD OF MANAGEMENT,—

Appointment of, s. 7 (1).

In police villages, s. 7 (2).

Disqualification for membership, s. 7 (3).

Annual retirement of certain members, s. 7 (4).

Term of office of first members, s. 7 (5).

When office to become vacant, s. 7 (6).

Member appointed, to fill vacancy for remainder of term, s. 7 (7).

Terms of office of other members, s. 7 (8).

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Corporate name, s. 7 (10).

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To procure accommodation, purchase books, etc., and appoint officers and servants, s. 8 (1).

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Museums in cities of 100,000; consent of municipal council required, s. 8 (4).

Powers of board with respect to evening classes, s. 8 (5).

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Submission of by-laws for incurring debts, s. 12 (4).

Debentures, s. 12 (5).

Interest and sinking fund, s. 12 (6).

Application of money raised by debentures, s. 12 (7).

When assent of electors not required, s. 12 (8).

Issue of debentures under Municipal Act, s. 12 (9).

Submission of by-law to electors in cities of over 100,000, s. 12 (10).

Admission to be free, proviso as non-residents, s. 13.

Municipalities may unite, s. 14.

Teachers' Institutes may unite, s. 15.

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## PART II.

INCORPORATION OF LIBRARY ASSOCIATIONS, s. 17.

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## PART III.

GENERAL PROVISIONS,—

Legislative grant, conditions for sharing in, s. 22.

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Library Institutes, establishment of, s. 26.

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Appointment of janitor, with powers of special constable, s. 28.

Neglect to keep library open, s. 29 (1).

Failure to comply with regulations, s. 29 (2).

Seat vacated by interest in contract, s. 30.

Newspaper proprietors, when disqualified, s. 31.

Penalty for creating disturbance, s. 32.

Penalties, how recovered, s. 33.

Existing libraries, etc., continued, s. 34.

Repeal, s. 35.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as "*The Public Libraries Act.*" R.S.O. 1897, c. 232, s. 1.

Interpretation. 2. In this Act,—

- "Board." (a) "Board" in Part I. shall mean a Public Library Board, in Part II. shall mean a Board of Management of a Public Library Association, and in Part III. shall include both;
- "Electors." (b) "Electors" shall mean persons qualified to vote at municipal elections;
- "Minister." (c) "Minister" shall mean Minister of Education;
- "Regulations." (d) "Regulations" shall mean regulations made under the authority of *The Department of Education Act*.

## PART I.

Establishment of public libraries. 3. A public library may be established in any city, town, village, or police village, in manner hereinafter provided. R.S.O. 1897, c. 232, s. 2.

Petition for establishment of library. 4.—(1) The council of a city, town or village upon receipt of a petition, form 1, signed in the case of a city, by at least one hundred, in the case of a town by at least sixty and in the case of a village by at least thirty electors, shall prepare and submit to the electors in the manner provided by *The Consolidated Municipal Act, 1903*, a by-law, Form 2. for the establishment of a public library.

(2)

(2) The council of the township or the councils of the townships in which a police village is situate upon receipt of a petition, Form 1, signed by at least thirty electors resident in such police village, shall prepare and submit to the electors within the police village a by-law, Form 2, for the establishment of a public library therein.

Township by-laws for establishing libraries in police villages

(3) Where an association has been established under Part II. or under any Act relating to Mechanics' Institutes and the members of such association at any annual meeting or at a special meeting called for the purpose by resolution declare that they desire that the library of the association be transferred to a board appointed under this Part, the council may submit to the electors a by-law for taking over the assets and property of the association and for establishing the library as a public library under this Part. R.S.O., 1897, c. 232, ss. 4-4a.

By-law may be submitted to electors for taking over property of library association.

5. Where the by-law receives the assent of the majority of the electors voting thereon, it shall be the duty of the council to pass the same without unnecessary delay. R.S.O. 1897, c. 232, s. 6.

Council to pass by-law without delay.

6. Where the by-law does not receive such assent, no new by-law for the same purpose shall be submitted to the electors within the same year. R.S.O., 1897, c. 232, s. 7.

If defeated by electors, by-law not to be re-submitted in same year.

7.—(1) The general management, regulation and control of the library, and of any reading-room and museum established in connection therewith shall be vested in a board, which shall be composed of the mayor of the city or town, or the reeve of the village or township, and three other persons to be appointed by the council, three by the public school board, or the board of education of the municipality, and two by the separate school board, if any.

Appointment of board of management.

(2) The board in a police village shall be composed of the police trustees and two persons appointed by the board of the school section or each of the school sections comprised in, or forming part of the police village, and two persons appointed by the separate school board, if any, having jurisdiction in the police village.

Board in police village, how composed.

(3) No person who is a member of the body entitled to appoint shall be qualified to be a member of the board and no person shall be appointed who is not a British subject and a resident of the municipality or police village.

Members of appointing bodies not eligible.

(4) Of the members appointed by the council, and the public school board, or board of education and the separate school board, respectively, one shall retire annually, but may be reappointed.

Annual retirement of one member from each class.

Term of office  
of first mem-  
bers.

(5) Of the three members first appointed by the council and public school board, or board of education respectively, one shall be appointed to hold office until the first day of February after his appointment, one until the first day of February in the following year, and one until the same day in the year next thereafter; and of the two members first appointed by the separate school board, one shall be appointed to hold office until the first day of February after his appointment, and one until the first day of February in the following year; but every member shall continue to hold office until his successor is appointed.

When office  
of library  
trustee to be-  
come vacant.

(6) If a member of the board is convicted of any offence against the criminal laws of Canada, or becomes insane, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within the municipality or police village, he shall *ipso facto* vacate his seat, and the remaining members shall forthwith declare his seat vacant and notify the appointing body accordingly.

Vacancies.

(7) In case of a vacancy by the death or resignation of a member, or from any cause other than the expiration of the term for which he was appointed, the member appointed in his place shall hold office for the remainder of the term.

Terms of office  
of subsequent  
members.

(8) Subject to the foregoing provisions, each of the members appointed by the council, or public school board, or board of education, shall hold office for three years from the first day of February in the year in which he is appointed; and each of the members appointed by the separate school board, for two years from the first day of February in the year in which he is appointed.

When appoint-  
ments to be  
made.

(9) The first appointment of members shall be made at the first meeting of the appointing body, after the final passing of the by-law, and the annual appointments thereafter shall be made at the first meeting of the appointing body, after the first day of January in each year; and any vacancy arising from any cause, other than the expiration of the time for which a member was appointed, shall be filled at the first meeting thereafter of the appointing body, but if for any reason an appointment is not made at the prescribed time, the same shall be made as soon as may be thereafter.

Corporate  
name.

(10) The board shall be a body corporate by the name of "The ——— Public Library Board," inserting the name of the municipality or police village.

Chairman.

(11) The board shall at the first meeting in February of each year elect one of its number as chairman, who shall hold office for one year, and he shall preside at meetings

ings of the board when present, and in his absence a chairman may be chosen *pro tempore*, and the chairman shall have the same right of voting as the other members of the board, and no other, and any question upon which there is an equality of votes shall be deemed to be negatived.

(12) The board shall meet at least once in every month, Meetings. and at such other times as it may think fit.

(13) The chairman or any two members may summon a Special special meeting of the board by giving at least two days' meetings. notice in writing to each member, specifying the purpose for which the meeting is called.

(14) No business shall be transacted at any general or Quorum. special meeting unless four members are present.

(15) All orders and proceedings of the board shall be Record of entered in books to be kept for that purpose, and shall be business. signed by the chairman.

(16) The orders and proceedings so entered and purport- Records as ing to be so signed, shall be deemed to be the originals evidence. thereof, and such books may be produced and read as evidence of the orders and proceedings in any judicial proceeding. R.S.O. 1897, c. 232, s. 9; 61 Vic. c. 27, s. 2; 5 Edw. VII., c. 26, s. 1.

8.—(1) Subject to the restrictions and provisions here- Duties of inafter contained, the board shall procure, erect, or rent board. the necessary buildings for the purposes of the library and reading-room, and for all other purposes authorized by this Act; and shall purchase books, newspapers, magazines, maps and specimens illustrative of the arts and sciences, for the library, reading-room and museum, and do all things necessary for keeping the same in a proper state of preservation and repair; and shall provide the necessary fuel, lighting, and other accommodation; and may appoint and dismiss at pleasure the officers and servants of the board.

(2) A board shall not in any year purchase any land or erect any buildings or make any addition or alterations thereto exceeding in cost \$2,000 without the authority of Limit as to the municipal council. expenditure on capital account.

(3) A board may open a reading-room or museum, or both, in connection with the library; may establish branch libraries and branch reading-rooms in the municipality or police village, and may also open evening classes for artisans, mechanics, workingmen and others, in such subjects as may promote a knowledge of the mechanical and manufacturing arts. R.S.O. 1897, c. 282, s. 10 (1-3).

(4)

Museums in  
cities of  
100,000.

(4) In a city having a population of 100,000 or over, the board shall not establish a museum without the consent of the municipal council. R.S.O., 1897, c. 232, s. 3.

Powers, etc.,  
of board of  
management  
with respect  
to evening  
classes.

(5) All the powers vested in, and all the duties imposed upon a board with respect to libraries, reading-rooms, and museums, shall apply to evening classes established under this Act, and the board shall have the same powers with respect to the appointment and dismissal of teachers or instructors as they possess with respect to other officers of the board.

Art schools

(6) The board in a city may with the approval of the municipal council, establish an art school within the city, and may conduct the same, subject to the Regulations, so as to promote the study of art or the purposes for which it is established; and all the powers vested in, and all the duties imposed upon the board with respect to libraries, reading-rooms and museums shall be applicable to an art school so established. R.S.O. 1897, c. 232, s. 10 (4), (5).

Library Board  
in city of  
200,000 may  
lease unoccu-  
pied portion of  
premises for  
Art museum.

(7) The Board of a Public Library of a city having a population of 200,000 or over, may permit an incorporated Art Museum to occupy for the purposes of its gallery or museum, any part of the library building not required for immediate use for the purposes of the board, upon such terms and conditions and for such period, not exceeding five years, as may be agreed on, provided that it be a term of the agreement that the board may determine such right of occupation whenever the space is required for the purposes of the board, and that it be also a term of the agreement that the pictures and objects of art of the museum shall be open to public view free of charge on such days as the board and the Council of the museum may agree. 9 Edw. VII. c. 26, s. 21.

Board may  
make by-laws  
respecting use  
of library.

9.—(1) The board may make rules for the use of the library, reading-rooms and museum, and for the admission of the public thereto, and for regulating all other matters and things connected with the management of the library, reading-rooms, museum, evening classes and art school, and for the management of all property under its control; and may impose penalties for breaches of the rules, not exceeding \$10 for any offence.

Promulgation  
of regulations.

(2) After such rules have been published once a week for at least two weeks in a newspaper published in the municipality or police village, or in a newspaper circulated therein, if no newspaper is published therein, they shall be binding on all persons concerned.

Recovery of  
damages.

(3) Nothing herein shall preclude the recovery of the value of articles or things damaged, or the amount of damage sustained, from persons liable for the same. R.S.O. 1897, c. 232, s. 11.

10. The board shall submit to the municipal council on or before the fifteenth day of February in each year a detailed estimate of the several sums required for the ensuing financial year to pay

Submission of estimates by board to council.

- (a) The interest on any money borrowed, as hereinafter mentioned, and
- (b) The amount required to be raised for the sinking fund, or to pay any instalment of principal and interest, and
- (c) The expense of maintaining and managing the libraries, reading-rooms, museums, evening classes and art schools under its control. R.S.O. 1897, c. 232, s. 12; 4 Edw. VII. c. 10, s. 54.

11. The board shall keep distinct and regular accounts of its receipts, payments, credits and liabilities, and the accounts shall be audited by the municipal auditors in like manner as the accounts of a municipality, and shall after having been audited be laid before the council by the board. R.S.O. 1897, c. 232, s. 13.

Board to keep regular accounts.

12.—(1) The council of the municipality, in addition to all other rates and assessments levied and assessed for municipal purposes, shall levy and assess in each year a special rate to be called "The Public Library Rate" sufficient to provide the amount estimated by the board as hereinbefore provided, but such rate shall not exceed one-half mill in the dollar unless by a vote of two-thirds of all the members of the council such rate is increased to an amount not exceeding in the whole three-fourths of a mill in the dollar.

Special rate for library purposes.

(2) In a city having a population of 100,000 or over the council shall not levy in any year a rate greater than one-quarter of one mill in the dollar, and such further rate as may be necessary to raise the moneys required to pay the annual interest and sinking fund on moneys borrowed for the purpose of acquiring a site or of purchasing or erecting buildings.

In cities of 100,000.

(3) The council of the township in which a police village in which a public library has been established under the provisions of this Part is situate, in addition to all other rates and assessments levied and assessed for municipal purposes in the police village, shall levy and assess in each year a special rate to be called "The Public Library Rate" sufficient to provide the amount estimated by the board, not exceeding one-half mill in the dollar on the assessment of the police village.

Rates for public library in police village.



Submission of  
by-laws for in-  
curring debts.  
for free  
libraries to  
electors.

(4) Where a board requires the council to raise money for the purpose of acquiring a site or purchasing or erecting buildings, which money, together with the amount required for the expense of maintaining and managing the libraries, reading-rooms, museums, classes and art schools under its control would involve the levy in any one year of a rate greater than one-quarter of a mill in the dollar, in the case of a city having a population of 100,000 or over, or greater than one-half mill in the dollar in the case of any other municipality and of a police village, the council by a two-thirds vote of all the members thereof may refuse to raise such sum, and if the board so requires, the question shall be submitted by the council to a vote of the electors of the municipality entitled to vote on by-laws for the creation of debts, in the manner provided by *The Consolidated Municipal Act, 1903*, and in the event of the assent of the electors being obtained it shall be the duty of the council to raise the amount in the manner provided by that Act.

3 Edw. VII.  
c. 19.

Public library  
debentures.

(5) The council may also, subject as hereinafter provided, on the requisition of the board, raise by a special issue of debentures of the municipality, to be termed "Public Library Debentures," such sums as may be required for the purpose of acquiring a site or of purchasing and erecting the necessary buildings, and in the first instance, for obtaining books and other things required.

Interest and  
sinking fund.

(6) During the currency of the debentures so issued, the council shall withhold and retain, as a first charge on the annual rate the amount required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon.

Application of  
moneys raised  
on debentures.

(7) All money so levied or raised shall be received by the treasurer of the municipality in the same manner as other municipal funds, and be paid out by him on the orders of the board, save as to the amount required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon.

When by-law  
need not  
receive assent  
of electors.

(8) It shall not be necessary to submit to the electors a by-law authorizing the issue of debentures, if the annual sum required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon does not exceed one-half mill in the dollar.

Issue of  
debentures.

(9) Notwithstanding anything contained in this Act a municipal corporation may issue debentures for the purposes of this Act, according to the provisions of section 386 of *The Consolidated Municipal Act, 1903*.

3 Edw. VII.  
c. 19.

Submission of  
by-law to  
electors in  
cities of over  
100,000.

(10) Notwithstanding anything in this section, the council of a city having a population of 100,000 or over may submit to the electors qualified to vote on by-laws for the creation of debts a by-law for raising money for acquiring a site



site or for purchasing or erecting buildings, and if so submitted the council shall not be required to pass such by-law until it has been approved of by a majority of such electors voting thereon. R.S.O., 1897, c. 232, s. 14; 61 Vic. c. 27, s. 3; 62 Vic. (2), c. 29, s. 3; 3 Edw. VII. c. 7, s. 41; 4 Edw. VII. c. 10, s. 55.

13. All libraries, reading-rooms and museums established under this Part shall be open to the public free of charge; provided, however, that the board may impose such fee as seems proper on non-residents who may desire to use the library, reading-room or museum. R.S.O. 1897, c. 232, s. 15; 4 Edw. VII. c. 10, s. 56.

Admission to be free.  
Use of library by non-residents.

14. Any municipality or school section contiguous or near to a city, town, village or township, in which a public library is situate, may enter into an agreement with the board for the use of such library and for such representation on the board as may be deemed expedient. R.S.O. 1897, c. 232, s. 19.

Municipalities may unite.

15. The teachers' institute of any inspectorate in which a public library is situate may place the books held by such institute in the custody of the board, and on so doing shall be entitled to appoint one member of the board; and in such cases every member of such teachers' institute shall be entitled to use the public library on the same terms as residents of the municipality in which the library is situate. R.S.O. 1897, c. 232, s. 20.

Teachers' institutes may unite.

16. Every farmers' institute or womans' institute may affiliate with any public library on terms to be agreed upon with the board, and in the event of such affiliation every member of such farmers' institute or womans' institute shall be entitled to use the library on the same terms as residents of the municipality in which the library is situate. R.S.O. 1897, c. 232, s. 21.

Farmers' institutes may unite.

## PART II.

17.—(1) In a township, and in any other municipality in which a public library has not been established under Part I, any number of persons not less than ten, being British subjects and not less than 21 years of age, may form an association for the purpose of establishing a public library, reading rooms and evening classes by making a declaration, Form 3, and filing the same with an affidavit of the due execution thereof in the office of the Registrar of Deeds for the registration division in which the public library is to be situate.

Ten persons may incorporate for purpose of establishing a public library.

Fee on registering declaration.

(2) For the filing of the declaration and for every certified copy the registrar shall be entitled to a fee of fifty cents.

Copy of declaration to be sent to Minister.

(3) A copy of such declaration shall be transmitted to the Minister.

Incorporation.

(4) The persons whose names are subscribed to the declaration and all persons who become members of the association as provided by section 18, shall be a body corporate by the name of "The— Public Library Association," inserting the name of the municipality in which the library is to be established. R.S.O. 1897, c. 232, s. 23 (1) (*part*).

Members.

18. Any person 12 years of age or upwards may be a member of the association, but no person shall be elected or vote at any meeting who is not of the full age of twenty-one years. R.S.O. 1897, c. 232, ss. 24 and 27 (*part*).

Board of Management.

19.—(1) The general management, regulation and control of the library shall be vested in and exercised by a Board of Management, which shall be composed of not less than five nor more than nine persons.

First meeting for election of board.

(2) The persons whose names are subscribed to the declaration of incorporation shall meet within thirty days after the filing thereof and shall elect from among their number the members of the board.

Term of office of members.

(3) The members so elected shall hold office until their successors are elected.

Annual election thereafter.

(4) On the 2nd Monday in January in each year thereafter the members of the association shall meet and elect the members of the board for the year.

Election of president and appointment of officers

(5) The board shall, as soon after the election as is convenient elect one of its members as president, and shall also appoint a secretary, treasurer, and librarian and such other officers as may be necessary for the purposes of the association. R.S.O. 1897, c. 232, ss. 23 (*part*), and 25.

Board shall provide library buildings.

20.—(1) The board shall provide suitable accommodation for the library, reading-rooms and evening classes, and shall have power to procure, erect or rent buildings for that purpose, and to purchase books, magazines, newspapers and other reading matter for the library and reading-rooms.

Rules and regulations.

(2) The board shall make rules for the management and use of the library and reading-rooms and for conducting the business of the board, for holding regular and special meetings, for defining the duties of the officers of the board

board, and the fees to be paid by members, and generally for such other matters, not inconsistent with this Act, as may be necessary for promoting the usefulness of the public library and reading-rooms and the efficiency and discipline of the evening classes.

(3) Minutes of all the proceedings of the board shall be kept and entered in books to be provided for that purpose by the board. R.S.O. 1897, c. 232, s. 26. Minutes.

21. Where a municipal council has passed a by-law for taking over the assets and property of a library association and for establishing the library as a public library under Part I, upon the organization of a board of management under that Part, the association shall be dissolved and thereafter Part I of the Act shall apply to the library, and the assets and property of the association shall vest in the Public Library Board. (*New.*) Dissolution of association on taking over library under Part I.

### PART III.

#### *General Provisions.*

22. No public library established under Part II. which has not a membership of at least fifty persons over 21 years of age, shall be entitled to share in any appropriation for public libraries. R.S.O. 1897, c. 232, s. 27. Conditions precedent to sharing in legislative grant.

23.—(1) Subject to the next preceding section and to the Regulations, there shall be paid to the board of every public library established under this Act, out of any money appropriated for that purpose, not more than 50 per cent. of the expenditure made for books, magazines, periodicals, newspapers, bookbinding and materials used for cataloguing and classifying a public library under the Dewey Decimal or Cutter systems or a combination of such systems, but no grant shall be paid upon an expenditure upon books of fiction in excess of 45 per cent. of the amount expended upon other books, and no grant shall exceed in respect of books, bookbinding and materials for so cataloguing and classifying \$200 or in respect of magazines, periodicals and newspapers \$50. Legislative grant to public libraries.

(2) After the money payable under subsection 1 has been apportioned, the Minister may authorize the payment out of the residue, if any, of the appropriation of the following sums, or a proportionate part of the same.

(a) \$5 to a public library which has kept a reading room open not less than three hours per day for three days in each week; or

(b)

- (b) \$10 to a public library which has kept a reading room open not less than 3 hours per day for six days in each week; and
  - (c) \$5 to a public library whose total receipts are less than \$25 per annum; or
  - (d) \$10 to a public library whose total receipts are over \$25 and less than \$100; or
  - (e) \$15 to a public library whose total receipts are over \$100 and less than \$200; or
  - (f) \$20 to a public library whose total receipts are over \$200 and less than \$500.
- (3) The Minister may authorize to be paid out of any money appropriated for public libraries,

(a) Salaries and expenses of officers of the Department employed in giving special instructions to boards and to librarians including the cost of books, blue prints, plans of library buildings, manuscripts, engravings and photographs and of other appliances or things authorized by the Minister, and

(b) Expenses incurred in holding meetings of library institutes.

(4) In estimating the amount to which a public library is entitled only cash payments out of moneys received by way of grant or gift or as membership fees shall be included, and no public library shall be entitled to any grant under this section by reason of the expenditure of money borrowed by the board or by reason of payments made in promissory notes or in any other way than by cash only.

(5) Subject to the Regulations the Minister may apportion any money appropriated for holding schools for the training of librarians.

Travelling  
libraries.

24. Subject to the Regulations the Minister may establish and maintain travelling libraries out of such sums as may be appropriated for that purpose and may purchase books, bookcases and other appliances required therefor and may pay for cataloguing, classifying and annotating lists of books and may employ and pay assistants to aid in circulating the libraries and pay the travelling expenses of the assistants.

Regulations  
fixing age limit  
for children  
taking books.

25.—(1) Where a board makes a rule under which an age limit is established for children taking books from the library or a rule prohibiting the public (in the case of

a free library) or the members of the association (in the case of any other library) from having free access to the books of the library or of a section of the library, the rule shall not take effect until it has been approved by the Minister.

(2) If any such rule is in force at the time of the passing of this Act the board shall within three months of the date of the receipt of a request from the Minister forward to him a copy of such rule and the Minister may disallow the same.

(3) Failure to comply with the request of the Minister shall render such rule void.

26.—(1) Subject to the Regulations, the Minister may Library institutes.

(a) Provide for the establishment of library institutes and for the holding of the meetings thereof;

(b) Employ library experts to attend library institute meetings and pay their travelling and other necessary expenses in going to, staying at and returning from the meetings, but nothing shall be paid to them for services;

(c) Pay the travelling and other necessary expenses of one delegate from each board in attending a meeting of the institute.

(2) If a board, after having received notice of the date for holding a meeting of the library institute does not send a delegate to such meeting the Minister may withhold a sum not exceeding \$5 from the next government grant payable to the board.

(3) All expenses incurred in establishing and maintaining library institutes may be paid out of any money appropriated for that purpose or out of any money appropriated for public libraries.

27. Subject to the Regulations, every incorporated art school shall be entitled to receive out of any money appropriated for art schools Art schools. a sum not exceeding \$400 annually, and such further sum on the basis of attendance and efficiency as may be determined by the Minister. R.S.O., 1897, c. 232, s. 29.

28. The Judge of the County or District Court, upon the request of the board of any public library within his jurisdiction, may appoint the janitor to be a special constable, Janitor may be appointed special constable. whose special duty it shall be to preserve the peace in the rooms of the library and in the building in which the library is situate, and to prevent the stealing, injuring or destroying

destroying of the property of the board or association, and to apprehend offenders, and he shall have generally all the powers and privileges and be liable to all the duties and responsibilities which pertain to the office of a constable. R.S.O., 1897, c. 232, s. 32.

Neglect to keep library open.

29.—(1) Where a board fails or neglects to keep open the library for two years, or to furnish an annual report, as required by the Regulations, for two consecutive years, such failure or neglect shall effect a dissolution of the corporation, and the Minister may take possession of all its books, magazines and periodicals, and dispose of the same as he may deem proper, but nothing herein contained shall confer any authority or control over any land belonging to a board or library association.

Failure to comply with regulations.

(2) Where a board in any year fails to comply with the Regulations the Minister may withhold the whole or any part of the government grant payable to the board for that year.

Seat vacated by interest in contract with corporation.

30.—(1) A member of a board shall not enter into any contract, agreement, engagement or promise, either in his own name, or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty, on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a member violating the provisions of this section shall *ipso facto* vacate his seat.

(2) On the complaint of any ratepayer of the municipality or police village or of the remaining member or members of the board, the Judge of the County or District Court or if he is a member of the board, the Master in Chambers shall, on proof of the facts declare the seat vacant, and the secretary of the board shall forthwith notify the appointing body to make a new appointment. R.S.O. 1897, c. 232, s. 33; 62 Vic. (2), c. 29, s. 2.

Newspaper proprietors inserting official advertisements not disqualified from sitting on boards, etc.

31. No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of being proprietor of or otherwise interested in a newspaper or other periodical publication which is subscribed for or in which an advertisement is inserted by the board in the regular course of business, if such subscription or advertisement is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. (See 1 Edw. VII. c. 39, s. 106; 6 Edw. VII. c. 53, s. 59.)

32. Any person who wilfully interrupts, or disquiets <sup>Penalty for di-turbing a public library.</sup> a public library, reading-room, museum, art school or any class in connection therewith, by rude or indecent behaviour, or by making a noise either within the building or so near thereto as to disturb the persons using the same, shall, for each offence incur a penalty not exceeding \$20. R.S.O. 1897, c. 232, s. 34.

33. The penalties imposed by or under the authority of <sup>Recovery of penalties.</sup> this Act shall be recovered under *The Ontario Summary Convictions Act* and shall be paid to the board concerned.

34. Every public library heretofore established or con- <sup>Existing libraries, etc., continued.</sup> tinued under any Act respecting public libraries is continued, and shall be subject to the provisions of this Act. R.S.O. 1897, c. 232, s. 36.

35. Chapter 232 of the Revised Statutes of Ontario, 1897, <sup>Repeal.</sup> except section 37, and all amendments to the said Act are repealed.

#### SCHEDULE.

##### FORM 1.

(Section 4.)

##### PETITION.

To the municipal council of

We, the undersigned electors of the said city of  
(or as the case may be), respectively, pray that a public library  
may be established in this municipality under *The Public Libraries Act*. R.S.O. 1897, c. 232, Sched. Form A.

##### FORM 2.

(Section 4.)

#### BY-LAW FOR ESTABLISHING A PUBLIC LIBRARY.

A by-law to provide for the establishment of a public library in the city of (or as the case may be).

Whereas electors have petitioned the council of the said city of (or as the case may be), praying for the establishment of a public library under *The Public Libraries Act*.

Be it therefore enacted by the said municipal council that,—

1. In case the assent of the electors is given to this by-law, a public library be established in this municipality in accordance with the provisions of *The Public Libraries Act*.

2. The votes of the electors shall be taken on this by-law on the day of 19, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon, at the undermentioned places: (Here insert (1) the wards; (2) the polling sub-divisions; (3) the places for holding the poll and the names of the deputy returning officers.

3. On the            day of            next, at his office in the  
at            o'clock in the            noon, the mayor (*or reeve, or as the  
case may be*), shall appoint in writing, signed by him, two persons  
to attend at the final summing up of the votes by the clerk, and  
one person to attend at each polling place on behalf of the persons  
desirous of promoting, and a like number on behalf of the persons  
desirous of opposing the passing of this by-law.

4. The clerk shall attend at the            at the hour of  
o'clock in the            noon, on the            day of            19 ,  
to sum up the number of votes given respectively for or against  
the by-law.

A. B.,  
Mayor (*or Reeve*).  
C. D.  
Clerk.

Passed the            day of            19 .

*Notice by Clerk.*

The above is a true copy of a proposed by-law which will be taken  
into consideration by the council of            after one month from  
the            day of            19 . being the date of the first publication  
thereof, and the polls for taking the votes of the electors will be  
held at the hour, day and places named in the by-law. R.S.O. 1897,  
c. 232, Sched. Form B.

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FORM 3.

(Section 17.)

DECLARATION FOR ESTABLISHMENT OF A PUBLIC LIBRARY ASSOCIATION.

We, the subscribers hereto, hereby declare our intention to form  
an association for the purpose of establishing a public library at  
in the township of            (*or, as the case may be*), and we  
further declare that the name of the association shall be the  
Public Library Association, as provided by *The Public Libraries  
Act*.

Dated the            day of            19 .  
(*Names and descriptions of the applicants.*)

R.S.O. 1897, c. 232, Sched. Form E.



## CHAPTER 81.

## An Act to amend The Act to Regulate the Speed and Operation of Motor Vehicles on Highways.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Act to regulate the Speed and Operation of Motor Vehicles on Highways* is hereby amended as follows: 6 Edw. VII. c. 46 amended.

(1) By inserting before section 1 the following:

Short title.

1a. This Act may be cited as *The Motor Vehicles Act*.

(2) By adding the following subsection to section 2a:

License to be produced on demand of peace officer.

(3) A license must be produced by any person driving a motor vehicle for hire, pay or gain when demanded by a peace officer, as defined by *The Criminal Code*.

(3) By inserting after section 9 the following:

Passing street cars stopping for passengers.

9a. No motor vehicle shall pass or attempt to pass at a greater rate of speed than four miles an hour a street car, which is stationary for the purpose of taking on or discharging passengers.

(4) By striking out section 19 and inserting in lieu thereof the following:

6 Edw. VII. c. 46, s. 19 repealed.

19.—(1) Any person violating any of the provisions of sections 3, 8 or 11 of this Act shall upon summary conviction be liable for the first offence to a fine of \$50 or one week's imprisonment or both; for the second offence to a fine of \$100 or one month's imprisonment or both, and for the third offence or any subsequent offence to imprisonment not exceeding six months. Penalties.

(2)

Proof of former conviction on prosecution for second or subsequent offence.

(2) For the purpose of a second, third or subsequent conviction under the provisions of this section or section 19a, a copy of the certificate of a prior conviction made by the convicting Police Magistrate or Justice of the Peace under the provisions of section 19b of this Act, certified by the Provincial Secretary or Assistant Provincial Secretary under the Seal of the Provincial Secretary, shall be *prima facie* evidence of such prior conviction.

Conviction need not be for same offence.

(3) On a charge for a second, third or subsequent offence under this section or section 19a a conviction need not be shewn to be against the same section and any conviction for an offence against sections 3, 8 or 11 shall be deemed to be a prior conviction.

Disqualification for holding license on conviction.

(5) By inserting as section 19a thereof the following :

19a.—(1) Any Police Magistrate or Justice of the Peace before whom a person is convicted of an offence under this Act: (a) May, if the person convicted is required to hold a license under section 2a of the Act and does not hold such license declare him disqualified to hold such a license for such time as the said Police Magistrate or Justice of the Peace thinks fit and shall so report with the certificate of the conviction to the Provincial Secretary and, (b) If the person convicted holds a license issued under section 2a of this Act, shall cause particulars of the conviction, if it be against the provisions of sections 2a, 3, 4, 7, 8, 9, 10, 10a and 11 of this Act to be endorsed upon such license and in the event of such conviction being a third conviction, shall confiscate such license and the badge issued therewith and shall forward the same with the certificate of the conviction to the Provincial Secretary.

Endorsement of particulars of offence on license.

(2) Any person so convicted if he holds a license issued under section 2a of this Act shall produce the license within a reasonable time for the purpose of endorsement and if he fails to do so shall be guilty of an offence under this Act.

Production of license for endorsement.

(6) By inserting as section 19b thereof the following :

19b. A Police Magistrate or Justice of the Peace who shall make a conviction under this Act shall forthwith certify the same to the Provincial Secretary, setting out the name, address and description

Certifying convictions to Provincial Secretary.

description of the person so convicted, the number of the permit of the motor vehicle with which the offence was committed, the number of the section of the Act contravened and the time the offence was committed, and if such offence was committed by a person licensed under section 2a hereof, the number of such license and the name, address and description of his employer, and if three such convictions against the provisions of sections 3, 8 or 11 are made against the same person the permit or the motor vehicle whereby the offence on which such third conviction was made, was committed, or the license issued under section 2a hereof, may be cancelled and the offender shall not be entitled to a permit or license under this Act for a period of two years thereafter.

- (2) Such Police Magistrate or Justice of the Peace shall be entitled to add to the costs of the conviction the sum of twenty-five cents as and for his costs of the said certificate to the Provincial Secretary. Fee for certificate.
- (7) By inserting as section 19 (c) thereof the following :
- 19c. In the event of a third or subsequent conviction as aforesaid, the motor vehicle driven by the person so convicted at the time of committing the act of which he was convicted, shall be seized, impounded and taken into the custody of the law for a period of three months. Thereupon such motor vehicle shall be stored where the convicting Magistrate or Justice of the Peace shall determine and all costs and charges for the care or storage thereof shall be a lien upon such motor vehicle, and the same may be enforced in the manner provided by section 51 of the *Mechanics' Lien Act*, being Chapter 153 of the Revised Statutes of Ontario. Provided, however, that if the person so convicted shall give sufficient assurance to such convicting Police Magistrate or Justice of the Peace by bond, recognizance or otherwise, that such motor vehicle shall not be operated upon the public highways during the period of impoundment, the same may be delivered to the person so convicted or the owner thereof. In such event, if such motor vehicle is operated upon the public highways during the said period, it shall be deemed to be operated without a permit. Impounding vehicle on conviction for third offence.

(8) By inserting as section 19*d* thereof the following:

Employer when  
present to be  
liable as well as  
driver.

19*d*. In the event of the employer of a person driving a motor vehicle for hire, pay or gain being present in a motor vehicle at the time of any offence against this Act being committed, such employer as well as the driver shall be liable to conviction for such offence.

6 Edw. VII.  
c. 46, s. 20  
amended.

(9) Section 20 of the said Act is hereby amended by striking out the words "less than \$10 or" where they occur therein.

## CHAPTER 82.

## An Act to amend The Liquor License Act.

*Assented to 13th April, 1909.*

**H**IS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Liquor License Act* is amended by striking out the words “cease to hold office on” in the sixth and seventh lines and inserting instead thereof the words “hold office until and inclusive of,” and by striking out the word “he” in the eighth line and inserting in lieu thereof the words “any such commissioner.” Rev. Stat., c. 245, s. 3 amended.

2. Section 7 of *The Liquor License Act* is amended by striking out the words “in the districts into which the said city is divided” in the sixth line. Rev. Stat., c. 245, s. 7 amended.

3. Subsection 13 of section 11 of *The Liquor License Act* is amended by striking out the words “any such petition” in the first and second lines and substituting therefor the words “the petition mentioned in subsection 1,” and by striking out all the words in the said subsection after the word “Inspector” in the last line and inserting in lieu thereof the words “to the applicant and to at least one of the petitioners or to an agent of one of the petitioners opposing the granting of the license.” Rev. Stat., c. 245, s. 11, subs. 13 amended.

4. Subsection 4 of section 18 of *The Liquor License Act* is amended by striking out all the words therein after the word “number” in the second line. Rev. Stat., c. 245, s. 18, subs. 4 amended.

5. Section 21 of *The Liquor License Act* is amended by striking out the words therein after the word “year” in the 18th line down to and including the word “and” in the 23rd line. Rev. Stat., c. 245, s. 21 amended.

6.

Rev. Stat.,  
c. 245, s. 30  
repealed.

6. Section 30 of *The Liquor License Act* is repealed and the following substituted therefor:—

Licenses not  
to be issued  
where accom-  
modation not  
provided.

Exception as  
to certain  
railway  
restaurants.

30. No tavern license shall be issued to any saloon, tavern or other premises not having all the tavern accommodation required by law, but this shall not apply to an eating-house at or in a railway station for which a license has been issued and is now in force, and such license may hereafter in the discretion of the Commissioners be issued without there being the hotel accommodation required by law.

Rev. Stat.,  
c. 245,  
s. 37, subs. 3  
amended.

7. Subsection 3 of section 37 of *The Liquor License Act* is amended by adding after the word “may” in the fourth line the words “subject to the regulations of the License Branch.”

Rev. Stat.,  
c. 245,  
s. 56, subs. 1  
amended.

8. Subsection 1 of section 56 of *The Liquor License Act* as enacted by section 13 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47 is amended by striking out the words “or town” in the first and second lines and inserting instead thereof the words “town or village.”

Rev. Stat.,  
c. 245, s. 58  
repealed.

9. Section 58 of *The Liquor License Act* is repealed.

Rev. Stat.,  
c. 245,  
s. 59, subs. 2  
amended.

10. Subsection 2 of section 59 of *The Liquor License Act* is amended by striking out the words “the provisions of section 54” and inserting instead thereof the words “any of the provisions of this Act.”

Rev. Stat.,  
c. 255, s. 61  
amended.

11. Section 61 of *The Liquor License Act* is amended by striking out the words “in writing” in the sixth line.

Rev. Stat.,  
c. 245, s. 72  
amended.

12. Section 72 of *The Liquor License Act* is amended by striking out the figures “\$50” in the 5th line and inserting the figures “\$100” in lieu thereof, and by striking out the figures “\$100” in the 6th line and inserting the figures “\$200” in lieu thereof and by striking out all the words therein after the word “magistrate” in the 10th line down to and including the word “month” in the 16th line and substituting therefor the following: “and for a second or any subsequent offence such person shall upon conviction be imprisoned for a period of four months.”

Rev. Stat.,  
c. 245, s. 74  
amended.

13. Section 74 of *The Liquor License Act* is amended by striking out the words “or Justice of the Peace” in the first line.

6 Edw. VII.,  
c. 47, s. 25  
amended.

14. Section 25 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47 is amended by striking out the

the words "Justice of the Peace" wherever the same occur in the said section.

15. Section 75 is amended by adding thereto the following subsection:

Rev. Stat.,  
c. 245, s. 75  
amended.

(2) Every tavern keeper failing or refusing to obey the written directions of a Provincial Inspector given under the provisions of section 127 of this Act, shall, for each day during which such failure or refusal continues, be liable to a penalty of \$5 and costs, and upon the report of such Provincial Inspector that any such tavern keeper has for a period of thirty days neglected to comply with such written directions or any of them an Order in Council may be passed cancelling the license held by such tavern keeper and the same shall thereupon become null and void to all intents and purposes whatsoever.

Penalty for  
refusing to  
obey Inspector's  
directions  
as to accom-  
modation.

16. Section 78 of *The Liquor License Act* is amended by adding thereto the following subsection:—

Rev. Stat.,  
c. 245, s. 78  
amended.

(5) Where upon any prosecution under this section for selling or supplying liquor it has been proved that liquor has been sold or supplied to a person under the age of twenty-one years such person shall be compellable to disclose upon oath the name of the person from whom such liquor was obtained and the date when the same was so sold or supplied, and in case of a refusal he shall be guilty of an offence and may upon the order of the magistrate or Justice before whom the prosecution is brought be forthwith imprisoned for any period not exceeding three months unless he sooner discloses such information and pays the costs of his committal; and for the purpose of making such disclosure, he may at any time be brought before the same or any other Justice or may disclose the said information by affidavit.

Minor com-  
pellable to dis-  
close name of  
person who  
sold to him.

17. Subsection 2 of section 89 of *The Liquor License Act* is amended by inserting after the word "shall" in the 2nd line the words "as far as may be practicable."

Rev. Stat.,  
c. 244,  
s. 89, subs. 2  
amended.

18. Subsection 1 of section 90 of *The Liquor License Act* is amended by striking out the words "such Inspector or officer is not" in the 8th line and inserting in lieu thereof the words "any other person or an officer appointed under section 127a is."

Rev. Stat.,  
c. 255,  
s. 90, subs. 1  
amended.

19. Section 99 of *The Liquor License Act* is repealed and the following is substituted therefor:—

Rev. Stat.,  
c. 245, s. 99  
repealed.

99.—(1) The Justice shall cause the depositions of the witnesses examined before him to be written in a legible hand and on one side only of the sheet of paper on which they

Evidence in  
prosecutions  
to be taken in  
writing.

they are written and shall read the same over to the witnesses who shall sign the same.

Stenographer  
may be  
employed.

(2) Instead of proceeding as provided in subsection 1 a stenographer may with the consent of the Justice be employed to take down the evidence or any part thereof in shorthand and the stenographer before acting shall take oath that he will truly and faithfully report the evidence.

When so taken  
have copies  
verified.

(3) Where evidence is taken in shorthand it shall not be necessary that the same shall be read over to or be signed by the witness, but it shall be sufficient that the transcript is signed by the Justice and is accompanied by an affidavit of the stenographer that it is a true report of the evidence.

Rev. Stat.,  
c. 246,  
s 101, par. 1  
amended.

20. The paragraph numbered 1 in section 101 of *The Liquor License Act* is amended by striking out the words "and not before" in the third line.

Rev. Stat.,  
c. 245  
amended.

21. *The Liquor License Act* is amended by adding thereto the following section:—

Person charged  
with sale may  
be convicted  
of keeping for  
sale.

104a. Where a person is charged with a sale of liquor in contravention of this Act and it appears to the Justice that there is no evidence of a sale of liquor having taken place, but that liquor was found upon the premises of or in possession or control of the person charged, and that the same was kept for sale in contravention of this Act, he may amend the information and may convict the defendant for keeping liquor for sale in contravention of the said Act.

Rev. Stat.,  
c. 245  
amended.

22. *The Liquor License Act* is amended by adding thereto the following section:—

Power to issue  
distress on  
non-payment  
of penalty.

104b. Notwithstanding anything in this Act contained where a pecuniary penalty is imposed, the Justice may in his discretion order that in default of payment of the penalty distress shall issue for the recovery thereof or he may if he sees fit order that in default of immediate payment of the penalty the offender shall be committed to gaol for such period as may be allowed by law.

Rev. Stat.,  
c. 245  
s. 105, subs. 1  
amended.

23. Subsection 1 of section 105 of *The Liquor License Act* is amended by striking out all the words therein after the word "offence" in the 10th line.

Rev. Stat.,  
c. 245, s. 105  
amended.

24. Section 105 of *The Liquor License Act* is amended by adding thereto the following subsections:—

Remitting  
case to Justice  
for rehearsing.

(3) If it appears to the Court or Judge that the Justice before whom any complaint or other proceeding under this Act was heard or taken, refused to receive evidence which might



might have been material, the Court or Judge instead of quashing the conviction or other proceeding may remit the same to the Justice with direction to re-hear the case, and with such other directions as the Court or Judge may think proper, and the Justice shall re-hear the complaint accordingly.

(4) Nothing in this Act contained shall prevent the operation of any provision of *The Criminal Code* or of *The Ontario Summary Convictions Act* which would otherwise apply.

25. *The Liquor License Act* is amended by adding there- Rev. Stat.,  
c. 245  
amended.  
to the following section:—

105a. No motion to quash a conviction or order made Limitation of  
time as to  
proceedings  
to quash.  
under this Act shall be heard by the Court or Judge to which such application is made unless notice of such motion has been served within twenty days from the date of the conviction or order.

26. Section 109 of *The Liquor License Act* is amended Rev. Stat.,  
c. 245, s. 109  
amended.  
by striking out the word “carrying” in the 14th line and inserting in lieu thereof the word “carry.”

27. Section 111 of *The Liquor License Act* is amended Rev. Stat.,  
c. 245, s. 111  
amended.  
by adding thereto the following subsection:—

(2) Proof that any person, not being a licensed person who furnishes food or lodging to lodgers, boarders or guests, or who conducts a house or other place in which persons reside who are not in his employment or members of his family, has upon the premises occupied by him a greater quantity of liquor than may be reasonably supposed to be intended for the use of such person and his family, shall be conclusive evidence that such liquor is kept for sale in contravention of this Act.

28. Section 125a of *The Liquor License Act* enacted by 8 Edward VII.  
c. 54, s. 9  
amended.  
section 9 of the Act passed in the 8th year of His Majesty's reign, Chaptered 54, is amended by inserting after the word “divulge” in the 6th line the words “upon oath” and by adding after the word “disclose” in the 12th line the words “or in the opinion of the Justice is withholding” and by adding at the end thereof the words following “and for the purpose of making such disclosure such person may at any time be brought before the same or any other Justice or may disclose the said information by affidavit.”

29.—(1) Subsection 2 of section 127 of *The Liquor License Act* is amended by striking out the first two lines Rev. Stat.,  
c. 245, s. 127  
amended.  
and by substituting the following therefor:—

(2)

- (2) Any of such officers may be designated "Provincial Inspector" and it shall be the duty of a Provincial Inspector whenever required so to do.

(2) Clause (e) of the said subsection is amended by striking out the words "where either of the said Provincial Inspectors" at the commencement thereof and inserting in lieu thereof the words "where a Provincial Inspector" and by adding after the word "licenses" in the third line the words "or License Commissioner."

Authority to  
Provincial  
Inspector to  
give directions  
as to additional  
accommoda-  
tions.

30. Subsection 2 of said section 127 is further amended by adding thereto the following clause (f):—

- (f) To visit and inspect any tavern for which a license has been issued under this Act and the accommodations provided therein and the utensils, bedding and other furniture therein and to see that the laws of the Province providing for the protection, safety and health of guests and other inmates are complied with and to give directions in writing to the license holder as to providing other or additional accommodations, furniture and appliances or as to any other matter he may deem necessary for the safety, comfort and convenience of guests.

Rev. Stat.  
c. 245, s. 131  
amended.

31. Section 131 of *The Liquor License Act* is amended by striking out the words "unlawfully kept" in the 17th and 18th lines."

Rev. Stat.  
c. 245 amended.

32. *The Liquor License Act* is amended by adding thereto the following section:—

May seize  
liquor in  
transit.

133a.—(1) Where an officer, policeman, constable or inspector finds liquor in transit or in course of delivery upon the premises of any railway company, or at any wharf, railway station, express office, warehouse or other place, and believes that such liquor is to be sold or kept for sale in contravention of this Act, he may forthwith seize and remove the same.

May search  
vehicle and  
lands for  
liquor.

(2) Any officer, policeman, constable or inspector if he believes that liquor intended for sale or to be kept for sale in violation of this Act is contained in any vehicle on a public highway or elsewhere, or is concealed upon the lands of any person, may enter and search such vehicle, and may enter upon and search such lands and seize and remove any liquor found there and the vessels in which the same is kept.

May take pro-  
ceedings before  
a Justice.

(3) Where liquor has been seized under subsection 1 or subsection 2 the person seizing the same shall give information

tion under oath before a Justice of the Peace, who shall thereupon issue his summons directed to the shipper, consignee or owner of the liquor if known, calling on him to appear at a time and place named in the summons and show cause why such liquor should not be destroyed or otherwise dealt with as provided by this Act.

(4) It shall be sufficient service of the summons if the same is delivered to the shipper, consignee or owner, or be left with some grown-up person at the express office, railway station or other place in which the liquor is found, or to the owner of the lands on which the same is found.

Service of  
summons.

(5) The summons shall be made returnable within thirty days after the service thereof.

When  
returnable.

(6) At the time and place named in the summons any person who claims that the liquor is his property and that the same is not intended to be sold or kept for sale in violation of this Act may appear and give evidence before the Justice, and the Justice shall receive such evidence and the evidence of the person who seized the liquor and such other evidence as may be adduced in the same manner as upon a complaint or information made under this Act.

Procedure.

(7) If no person claims to be the owner of the liquor, or if the magistrate disallows such claim, and finds that it was intended that such liquor was to be sold or kept for sale in contravention of this Act he may order that such liquor and any vessels containing the same shall be forfeited to His Majesty and destroyed or otherwise dealt with in such manner as the Minister may direct.

Liquor seized,  
how dealt with.

(8) The liquor so seized may under the direction of the Minister be sold to any license holder and the proceeds, after payment of any lawful costs of carriage and the expenses of such seizure and sale, shall be paid to the Treasurer of Ontario for the uses of the Province.

May be sold.

(9) If the magistrate finds that the claim of any person to be the owner of the liquor is established, and that it does not appear that it was intended to sell or keep such liquor for sale in contravention of this Act he shall dismiss the complaint and order that such liquor be restored to the owner.

To be restored  
to owner in  
certain cases.

(10) If it appears to the Justice that such liquor or any part thereof was consigned to some person in a fictitious name or was shipped as other goods, or was covered or concealed in such a manner as would probably render discovery of the nature of the contents of the vessel, cask or package in which the same was contained more difficult, it shall be *prima facie* evidence that the liquor was intended to be sold or kept for sale in contravention of this Act.

Shipping in  
fictitious name  
evidence of  
intention to  
sell unlawfully.

Rev. Stat.  
c. 245, s. 138,  
subs. 2  
repealed.

**33.** Subsection 2 of section 138 of *The Liquor License Act* is repealed.

Saving as to  
Rev. Stat.  
c. 245, s. 141,  
subs. 2.

**34.** Nothing contained in any Act passed at the present Session of the Legislature shall apply to or affect the provisions of subsection 2 of section 141 of *The Liquor License Act*.

#### HOTELS IN LOCAL OPTION DISTRICTS.

Rev. Stat.  
c. 245 amended.

**35.** *The Liquor License Act* is amended by adding thereto the following section as 146a:—

Permits may  
be issued in  
L. O. Municipalities.

146a.—(1) In any municipality in which a by-law passed under subsection 1 of section 141 is in force or in which no tavern license is issued, and in any locality without municipal organization, one or more permits under this section may be granted to a suitable person or persons to establish and carry on an hotel for the accommodation of the travelling public and other guests, and such permit or permits may be granted by the Board of License Commissioners of the district in which the premises in respect of which the permit is desired is situate, and, except as herein varied, all the provisions of this Act so far as the same are applicable, shall apply to holders of permits under this section and the premises in respect of which any such permit is granted shall be subject to inspection in the same way and to the same extent as are premises licensed under any other provisions of this Act, and the permit may be revoked for any cause which may by the Board be deemed sufficient.

(2) An hotel for which a permit is granted shall be known as an inspected hotel.

Annual fee.

(3) The annual fee to be paid for any such permit shall be \$5, and the same may be granted at any time during the year on payment of the fee, and may be transferred without charge by the Board on application by the holder thereof.

Form of  
permit.

(4) The permit shall be in such form as may be approved by the Lieutenant-Governor in Council, and no greater number of permits shall be issued in any municipality than are reasonably sufficient in the opinion of the Board to meet the public needs of the locality.

Accommodation  
necessary.

(5) The accommodation to be provided by the holder of any such permit shall correspond as nearly as may be to the accommodation required to be provided under sections 27 and 28 of this Act, but in cases in which in the opinion of the Board stabling is not necessary the same may be dispensed with by resolution of said Board.

(6) Nothing in this section shall require the keeper of an hotel of the class mentioned in subsection 1 to obtain a permit.

36. Subsection 1 of section 8 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by striking out the words "or shop" in the first line and inserting in lieu thereof the words "shop or wholesale."

<sup>6 Edw. VII.,  
c. 47, s. 8 (1)</sup>  
amended.

37. Subsection 4 of the said section is amended by striking out the words "or shop" in the second line and inserting in lieu thereof the words "shop or wholesale."

<sup>6 Edw. VII.,  
c. 47, s. 8 (4)</sup>  
amended.

38. Subsection 1 of section 10 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by striking out all the words in the 5th, 6th and 7th lines and by inserting in lieu thereof the following:—

<sup>6 Edw. VII.,  
c. 47, s. 10</sup>  
amended.

In a city having a population exceeding 200,000,  
For a tavern license .....\$1,600  
For a shop license .....\$1,000

In a city having a population of more than 100,000  
and not more than 200,000,  
For a tavern license .....\$1,200  
For a shop license .....\$1,000

39. Section 19 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by striking out all the words in the first line and inserting in lieu thereof the words "every person whether licensed or unlicensed."

<sup>6 Edw. VII.,  
c. 47, s. 19</sup>  
amended.

40. Section 25 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by striking out the words "or Justice of the Peace" in the 3rd and 4th lines of subsection 1 and in the first line of subsection 2 and in the last line of subsection 3 and in the 2nd line of subsection 4.

<sup>Order not to be  
given by J. P.</sup>

41. Section 25 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by adding to subsection 1 the following clause (a):—

<sup>6 Edw. VII.,  
c. 47, s. 25</sup>  
(1) amended.

(a) No such requisition shall authorize the sale or delivery to any person by a druggist of more than six ounces of liquor.

42. Subsection 4 of the said section 25 is amended by striking out the word "officer" at the end of the 5th line and inserting in lieu thereof the words "Provincial officer on demand and to the inspection of any other person."

<sup>6 Edw. VII.,  
c. 47, s. 25</sup>  
(4) amended.

## BREWERS AND DISTILLERS.

5 Edw. VII.  
c. 31, s. 2  
amended.

43. Section 2 of the Act passed in the 5th year of His Majesty's reign, Chaptered 31, is amended by adding at the end thereof the following words, "but no such beers or spirits shall be sold to any unlicensed person in any municipality having a population of less than 4,000, nor shall any such beers or spirits be sold or delivered by or on behalf of any holder of a Brewer's Warehouse License within any municipality in which a by-law passed under subsection 1 of section 141 is in force."

## SAMPLE AND COMMISSION LICENSES.

62 V. (2) c. 31  
amended.

44. The Act passed at the second session held in the 62nd year of the reign of Her late Majesty, Queen Victoria, Chaptered 31, is amended by adding thereto the following sections:—

Sample and  
commission  
licenses may  
be granted.

26a—(1) No person shall act in Ontario as the agent or employee of any person not a resident of Ontario for the purpose of selling liquor by sample or on commission or otherwise in Ontario or for soliciting or receiving orders for the delivery of liquor to any person, whether licensed or unlicensed, unless the person so acting has taken out and is the holder of a "Sample and Commission License," but nothing in this subsection shall apply to the holder of a wholesale license under this Act.

Penalties.

(2) Every person violating the provisions of subsection 1 shall incur the penalties provided by *The Liquor License Act* for the sale of liquor without the license required by law.

What sales  
authorized by  
sample and  
commission.

26b. A Sample and Commission License shall authorize the holder thereof to sell liquor not the property of such license holder by sample or on commission and to solicit and receive orders for such liquor from persons who are the holders of licenses under *The Liquor License Act* in the quantities authorized by a wholesale license whether such liquor is in Ontario or is held in bond or otherwise elsewhere.

Fee.

26c. The annual fee to be paid for a Sample or Commission License shall be \$300 and shall be payable to the Treasurer of Ontario on or before the first day of May in each year.

Date of pay-  
ment.

26d. Sample and Commission Licenses shall be issued annually by the Minister on the 1st day of May, upon the production of the receipt of the Treasurer for the amount of the license fee.

Rev. Stat.  
c. 245 amended.

45. *The Liquor License Act* is amended by adding thereto the following section:—

12c. Where the annual license duty payable for a tavern or shop license under this Act is not less than \$1,000, the same may be paid in four equal annual instalments, on the first day of the months of May, August, November and February, and in any case to which this section applies, a permit may, notwithstanding anything in this Act contained be issued for a period of three months to the person having paid any such instalment, and subject in all other respects to the same conditions and stipulations applicable to the holder of an annual license issued under this Act, and the said permits shall be in the form prescribed by Order in Council, and shall be dated on the day of issue.

Payment of  
license fees in  
quarterly  
instalments.

46. Subsection 2 of section 28 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by striking out the word "shall" in the first line and inserting instead thereof the word "may."

6 Edw. VII.  
c. 47, s. 28, subs.  
2, amended.

47. Subsection 1 of section 4 of the Act passed in the 62nd year of the reign of Her late Majesty, Queen Victoria, Chaptered 31, is amended by adding at the end thereof the following words, "provided, however, that no such sale shall be made either directly or indirectly within any municipality in which a by-law passed under subsection 1 of section 141 of *The Liquor License Act* is in force."

62 Vict., c. 31,  
s. 4, subs. 1  
amended.

## CHAPTER 83.

## An Act respecting Private Detectives.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      **1.** This Act may be cited as "*The Private Detectives Act.*"

Private  
detectives to  
be licensed.      **2.** No person shall for hire or reward engage in or advertise the business of a private detective without having first obtained a license from the Provincial Treasurer.

Application.      **3.** Any person desiring the license in section 1 of this Act mentioned, shall apply in writing (Form 1) to the Provincial Treasurer, and shall enter into a bond, approved by the Provincial Treasurer, with two sufficient sureties or executed by a Guarantee Company, in the sum of \$2,000 for the faithful, honest and lawful conduct of such business by such applicant.

License issued  
upon payment  
of fee.      **4.** The Provincial Treasurer, upon such application and upon such further inquiry and investigation as he may deem proper of the character and competency of the applicant and upon approving the bond in section 2 mentioned and upon receiving from the applicant the fee of \$200, may issue and deliver to such applicant a license (Form 2) to conduct such business for the term of one year from the date thereof. Such license may be renewed annually on a further payment of \$200 per annum; but shall be revocable at any time by the Provincial Treasurer for cause.

Saving as to  
employees of  
detectives.      **5.** Nothing in this Act shall apply to employees of duly licensed private detectives; but a licensed private detective shall be responsible for the conduct of his employees.



6. No person while holding the position of a Provincial or County Constable shall do any of the things for which a license is required by section 2 of this Act.

Provincial or  
County Con-  
stables not to  
act as  
detectives.

7. Any person doing anything in contravention of this Act shall be liable on summary conviction to a fine not exceeding \$500, nor less than \$200 and costs and in default of payment, to imprisonment for a term not exceeding three months.

Penalty.

8. This Act shall not apply to barristers, solicitors or their employees.

Not to apply  
to barristers,  
solicitors, or  
their em-  
ployees.

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FORM 1.

(Section 3.)

AN ACT RESPECTING PRIVATE DETECTIVES.

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the  
County of \_\_\_\_\_, apply for a license under the said Act to  
engage in the business of a private detective and furnishing  
information as provided in the said Act.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

To the Honourable  
The Provincial Treasurer.

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FORM 2.

(Section 4.)

AN ACT RESPECTING PRIVATE DETECTIVES.

Pursuant to the provisions of this Act I hereby grant permission  
to \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the County  
of \_\_\_\_\_ to carry on the business of a private detective  
and furnishing information under the provisions of the said Act.

This license is to be in force for one year from this date.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Provincial Treasurer.

## CHAPTER 84.

## An Act to amend The Public Health Act.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.248  
s. 107a as enacted  
by 2 Edw.  
VII. c. 34, s. 107a  
amended.

As to districts  
without county  
organization.

1. Subsection 9 of section 107a of *The Public Health Act* as enacted by section 1 of the Act passed in the second year of His Majesty's reign, Chaptered 34, is amended by striking out the words, "nor shall the said section apply or be enforced in any part of this Province which is without county organization."

Rev. Stat. c. 248  
sec. 107a  
amended.

2. Subsection 4 of the said section is amended by inserting the words "or district" after the word "county" in the 6th line.

## CHAPTER 85.

## An Act to amend The Public Health Act.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 13 of *The Public Health Act* is amended by striking out the words "Whenever this Province or any part thereof or place therein appears to be threatened with any formidable epidemic, endemic, or contagious disease, in man or animals." Rev. Stat. c. 248, s. 13 amended.

2. Section 57 of the said Act is repealed and the following substituted therefor: Sec. 57 amended.

57. The treasurer of the municipality shall forthwith, upon demand, pay out of any moneys of the municipality in his hands the amount of any account for services performed under the direction of the board by virtue of this Act after a resolution of such board approving of the account and certified by the chairman and secretary thereof has been filed in the office of the treasurer of the municipality. Payment of accounts certified by board.

3. Section 103 of the said Act is amended by striking out the words "smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders or other contagious disease" wherever they occur in the said section and substituting therefor the words "such infectious or contagious diseases as may be designated from time to time by the Provincial Board of Health." Sec. 103 amended.

4. Section 103 of the said Act is further amended by adding the following subsection: Sec. 103 amended.

(2a) No child having suffered from such disease shall be allowed to attend school within the minimum time thereafter prescribed by the Provincial Board of Health respecting such diseases.

5. All the Schedules to *The Public Health Act* are hereby amended to conform with the provisions of this Act. Schedules amended.

CHAPTER

## CHAPTER 86.

## An Act to regulate the Manufacture of Dairy Products.

*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Dairy Products Act.*"

"Interpretation  
"Minister."  
"Inspector."

2. In this Act the word "Minister" shall mean the Minister of Agriculture, and the word "Inspector" shall mean any inspector appointed under *The Milk, Cheese and Butter Act*.

"Creamery."

3. In this Act a "Creamery" shall mean any place to which is brought the milk or cream from the herds of three or more persons for the purpose of being manufactured into butter for public sale; and "Cheese Factory" shall mean any place to which is brought the milk from the herds of five or more persons for the purpose of being manufactured into cheese for public sale.

"Cheese  
Factory."

Registration of  
creameries,  
cheese fac-  
tories, etc.

4. On or before the first day of January, 1910, the owner, proprietor or manager of every creamery, cheese factory, milk condensory, milk powder factory or other establishment for the manufacture of milk products shall register with the Minister of Agriculture, on forms to be supplied by him, stating the nature of business carried on, the exact location of the same, and such other information as to ownership as may be required by the Minister, and an exact record of all such registrations shall be kept by the Minister and shall be open to public inspection.

Unregistered  
places not be  
conducted  
without per-  
mission of  
Minister.

5.—(1) On and after the first day of January, 1910, no person or persons, company or corporation shall carry on business in a creamery, milk condensory, milk powder factory or the manufacture of any form of dairy products in

in any building or place not recorded in the list referred to in section 4, without first applying to the Minister of Agriculture and receiving from him permission to do so, and this permission shall be granted only after a report upon the same has been filed, signed by an inspector.

(2) Refusal to grant permission under this section may be based upon lack of proper equipment, or unsanitary conditions. Grounds of refusal.

(3) An appeal from the decision of the Minister may be made by the applicant to the Lieutenant-Governor in Council whose decision shall be final. Appeal to Lieutenant-Governor in Council.

6. Upon the report of an inspector that any creamery, cheese factory, milk condensory, milk powder factory or other place for the manufacture of dairy products is not in a satisfactory sanitary condition or is inadequately equipped for the manufacture of dairy products, the Minister may order the owner or manager of the same to close it down forthwith and it shall be kept closed until such time as the inspector reports that it has been put into a satisfactory sanitary condition and is adequately equipped for the manufacture of dairy products. Minister may order the closing of unsanitary premises.

7. On and after the first day of January, 1911, no person shall act or be allowed to act as chief maker in any creamery or cheese factory who does not hold a certificate of qualification from the Dairy School of the Ontario Agricultural College or from the Eastern Dairy School. Chief makers to have certificate from Dairy School.

(a) In place of the above certificate of qualification a special permit may be issued at any time by the Minister upon the recommendation of an inspector on the general grounds of experience and competency. Special permits.

8. Any person violating the provisions of this Act shall, on conviction thereof, be liable to a fine not exceeding \$10, and, upon refusal to pay the same, shall be liable to imprisonment for a period not exceeding 30 days. Penalties.

## CHAPTER 87.

## An Act to regulate the Means of Egress from Public Buildings.

*Assented to 13th April, 1909.*

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Doors to open  
outwards.

1. In all churches, theatres, halls, or other buildings heretofore or hereafter constructed or used for holding public meetings, or for places of public resort or amusement, and school houses of more than one storey in height, all the doors shall be so hinged that they may open freely outwards, and all the gates of outer fences if not so hinged shall be kept open by proper fastenings during the time such buildings are publicly used, to facilitate the egress of people, in case of alarm from fire or other cause.

Ecclesiastical  
corporations  
and persons,  
liability of.

2. Congregations and Societies possessing corporate powers, and all trustees, incumbents, churchwardens, and other persons holding churches or buildings used for churches shall be severally liable, as trustees for such congregations or societies, to the provisions of this Act.

Regulations by  
Lieutenant-  
Governor in  
Council.

3. The Lieutenant-Governor in Council shall have power from time to time to make Regulations similar or different in different localities or with reference to different classes of buildings, or having application to different conditions governing theatres, halls or other buildings constructed or used for holding public meetings, or for places of public resort or amusement, and Regulations governing the licensing, using, and operating of cinematographs, moving picture machines, or other similar apparatus involving the use of a combustible film and for prescribing the conditions under which such machine shall be operated.

Moving picture  
shows.

4. No cinematograph, moving picture machine, or other similar apparatus involving the use of a combustible film shall

shall be kept or exhibited for entertainment until the owner, user, or exhibitor of such apparatus has complied with the Regulations made by the Lieutenant-Governor in Council and obtained a license from the Provincial Treasurer.

5. The owner, user, or exhibitor of every such cinematograph, moving picture machine, or other similar apparatus shall pay in advance to the Provincial Treasurer an annual license fee, the amount of which shall be fixed by Regulation of the Lieutenant-Governor in Council. License fee.

6. Any person in charge of such cinematograph, moving picture machine, or other similar apparatus, or the owner, proprietor, manager, or person having control thereof who uses any such machine for public entertainment without having complied with the Regulations passed by the Lieutenant-Governor in Council and without having therefor a license from the Provincial Treasurer as required by this Act, shall be guilty of an offence against this Act. Operating moving picture shows without license.

7. No Municipal Corporation shall issue a license for any cinematograph, moving picture machine, or other similar apparatus, to which this Act applies until the applicant produces a license from the Provincial Treasurer authorizing the exhibition in the Municipality, and any member or officer of a Municipal Corporation who is a party to the issue of any license in violation of the provisions of this Act shall be liable on summary conviction to a fine of \$20 besides costs, and in default of payment, to imprisonment for a term not exceeding 30 days. Penalty for municipal corporation issuing license in violation of law.

8. Any person offending against any of the provisions of this Act, save sections 7 and 11 and any person offending against any of the Regulations of the Lieutenant-Governor in Council passed hereunder shall on summary conviction be liable to a fine of not less than \$50 nor more than \$200 with costs and a further fine of \$25 per diem during the time after conviction which such offence continues, and in default of immediate payment the offender shall be imprisoned in the common goal of the county where such conviction takes place for a period not exceeding three months. Penalties.

9. If any breach of this Act or of any of the Regulations passed hereunder causes directly or indirectly bodily injury or loss of life, the owner, lessee, manager, operator, or other person through or by whom such breach occurred, shall in addition to any other penalty prescribed by law on summary conviction be liable to imprisonment for a term not exceeding one year. Imprisonment in addition to fine.

Inspection of  
cinemato-  
graphs, etc.,  
by Provincial  
police.

10. The Ontario Provincial Police are hereby empowered and directed at any time to inspect any cinematograph, moving picture machine, or other similar apparatus which is used or kept on premises licensed under this Act to enforce the provisions of this Act and the Regulations passed hereunder.

Duty of local  
police as to  
enforcement  
of Act.

11. In cities, towns and incorporated villages, it shall also be the duty of the Chief Constable, or Chief of Police, to enforce the provisions of this Act and the Regulations passed hereunder and such officers neglecting the performance of such duties shall, on summary conviction, be liable to a fine not exceeding \$50 and costs.

Application  
of fines.

12. All penalties recovered under this Act shall be paid to the Treasurer of the Province of Ontario for the use of said Province.

Act not to  
apply to  
convents or  
private  
chapels.

13. This Act shall not be construed to apply to Convents or private Chapels connected therewith. R.S.O., 1897, c. 263, s. 6.

Rev. Stat.  
c. 263 and  
8 Edw. VII.,  
c 60 repealed.

14. Chapter 263 of the Revised Statutes of Ontario, 1897, and the Act passed in the eighth year of His Majesty's reign, Chaptered 60, are repealed.

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## CHAPTER 88.

## An Act respecting the Department of Education.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.	SUPERINTENDENT OF EDUCATION,
INTERPRETATION, s. 2.	ss. 7, 8.
DEPARTMENT OF EDUCATION,	ADVISORY COUNCIL, ss. 9-25.
MINISTER, DEPUTY MINISTER	POWERS OF MINISTER AS TO
AND REGISTRAR, SEC. 3.	SEPARATE SCHOOLS, s. 26.
MINISTER OF EDUCATION, ss. 4, 5.	REGULATIONS, ETC., s. 27.
Powers and Duties, s. 6.	PENALTIES, s. 28.
	REPEAL, s. 29.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Department of Education Act.*" 6 Edw. VII., c. 52, s. 1. Short title.

2. In this Act,—

Interpretation

- (a) "Council" shall mean the Advisory Council of Education; "Council."
  - (b) "Department" shall mean the Department of Education; "Department."
  - (c) "Minister" shall mean the Minister of Education; "Minister."
  - (d) "Registrar" shall mean the Registrar of the Department; "Registrar."
  - (e) "Regulations" shall mean regulations made by the Minister and approved of by the Lieutenant-Governor in Council as provided by this Act. "Regulations."
- (*New.*)

3.—(1) There shall be a Department of the Government of Ontario to be known as "The Department of Education," which shall be presided over by the Minister of Education. (*See* 6 Edw. VII., c. 52, s. 2.) Department of Education.

(2) The Lieutenant-Governor in Council may appoint a Deputy Minister of Education and a Registrar of the Department of Education. (*See* R.S.O., 1897, c. 15, ss. 17 and 18.) Deputy Minister and Registrar.

## MINISTER OF EDUCATION.

4.—(1) The Minister shall have the administration and enforcement of the statutes and Regulations respecting Minister of Education.  
Public

Public Schools, Separate Schools, Kindergarten Departments, Consolidated Schools, High Schools, Collegiate Institutes, Continuation Schools, Technical Schools, School Cadet Corps, all Departments of any such schools, Night Schools, School Gardens, School Libraries, Public Libraries, Travelling Libraries, Library Institutes and of all other schools supported in whole or in part by public money which may hereafter be established, unless other provision is made in the Act by which the school is established.

Management  
of Schools and  
Institutions.

(2) The Minister shall have the management and control of Model Schools, Normal Schools, Teachers' Institutes, Summer and Vacation Schools and the Institutions for the education of the Blind and the Deaf and Dumb.

Appointment  
of Inspectors,  
Teachers, and  
Officers.

(3) The Minister may appoint such Inspectors, Teachers, and Officers for purposes of instruction, supervision and administration as he may deem expedient.

Prescribing  
duties of  
officers.

(4) Subject to the provisions of this Act and to the Regulations, the Minister may prescribe the duties of the Registrar and of all other officers of the Department.

Regulations.

5. Subject to the provisions of any statute in that behalf the Minister, with the approval of the Lieutenant-Governor in Council, may make Regulations,

Schools, De-  
partments, etc.

(a) For the establishment, organization, government, courses of study, and examination of the schools, departments, school cadet corps, school gardens, institutes and institutions hereinbefore mentioned. (*See 6 Edw. VII., c. 52, s. 4 (1).*)

Fees of  
candidates,  
examiners  
and students.

(b) Prescribing the fees, if any, to be paid by candidates at Departmental examinations other than High School Entrance Examinations and by Normal and Model school students. (*See 6 Edw. VII., c. 52, s. 4 (1).*)

(c) Prescribing the fees to be paid to presiding officers and examiners in connection with Departmental Examinations and by whom and in what manner such fees and any other expenses in connection with such examinations shall be borne and paid.

Construction  
and equipment  
of school  
houses and  
grounds.

(d) Prescribing the accommodations and equipment of school houses and the arrangement of school premises. (*New.*)

Text books  
and books  
of reference.

(e) Authorizing text books for the use of pupils and of teachers in training attending such schools, departments, school gardens, corps, institutes and institutions and books of reference for the  
use

use of teachers and pupils. (*See* 6 Edw. VII., c. 52, s. 4 (2).)

(f) For the management of public, travelling, school libraries and library institutes. (*See* 6 Edw. VII., c. 52, s. 4 (2).) Libraries.

(g) Prescribing the qualifications and duties of inspectors, teachers and directors of such schools, departments, corps, school gardens, institutes and institutions. (*See* Edw. VII., c. 52, s. 4 (2).) Qualification and duties of teachers and inspectors.

(h) For conducting the examinations prescribed by the regulations and settling the results thereof. (*See* 6 Edw. VII., c. 52, s. 4 (3).) Departmental examinations.

(i) For granting temporary, interim, special, permanent, and renewed certificates of qualification to teachers. (*New.*) Teachers' certificates.

(j) For the payment of the superannuation allowances of inspectors and teachers. (*New.*) Superannuation allowances.

(k) For the apportionment and distribution of all moneys appropriated by the Legislature for educational purposes, including sums granted for public and travelling libraries and the maintenance of historical, literary and scientific institutions. (*New.*) Apportionment of legislative grant.

(l) For the affiliation with any University in Ontario or with the Normal or Model Schools of such Collegiate Institutes, High Schools, Public Schools or Separate Schools as he may deem necessary for practical instruction in the art of teaching. (*See* 6 Edw. VII., c. 52, s. 4 (3).) Affiliating certain schools with other institutions.

(m) For accepting such courses and examinations as he may deem adequate for the academic and professional training of teachers. (*See* 6 Edw. VII. c. 52, s. 4 (7).) Accepting University courses and examinations in pedagogy.

(n) For the conduct of the business of the Advisory Council of Education. 6 Edw. VII., c. 52, s. 4 (9). Conduct of business of council.

#### POWERS AND DUTIES OF MINISTER.

6. It shall be the duty of the Minister and he shall have power, Powers and duties of Minister.

(a) To apportion all sums of money appropriated as a general grant for urban public and separate schools among the several cities, towns and villages Apportionment of general grant for urban schools.

villages according to the population of each as compared with the population of all the urban municipalities in the Province according to the last annual returns received from municipal clerks;

Division  
between Public  
and Separate  
schools.

(b) To divide the amount so apportioned to each city, town and village between the public and separate schools therein, according to the average number of pupils who attended such schools respectively during the next preceding calendar year;

Payment of  
grants to pub-  
lic schools.

(c) To pay, on or before the first day of August in each year, the grants so apportioned to the treasurer of each city, town and village, for payment to the respective boards of public schools upon the warrants of the inspectors;

Apportion-  
ment of special  
school grants.

(d) Subject to the Regulations, to apportion all sums of money appropriated as a special grant for urban public and separate schools among the several cities, towns and villages, on the basis of the grade of the teachers' certificates and the length of their successful experience;

Payment of  
special grant  
to public  
schools.

(e) To pay on or before the first day of August in each year, the grants so apportioned to the respective boards of public school trustees upon the warrants of the public school inspectors;

Payment of  
grants to separ-  
ate schools.

(f) To pay, on or before the first day of August in each year the grants so apportioned to the respective boards of separate schools upon the warrants of the inspector of separate schools;

Apportionment  
of grant for  
rural schools.

(g) Subject to the Regulations, to apportion all sums of money appropriated as a general grant for the rural public and separate schools amongst such rural schools on the basis of the salaries paid to the teachers, the value of the equipment, the character of the accommodation, the grade of the teachers' professional certificates, the length of their successful experience, and the amount of the municipal or school assessments;

Payment of  
grants to  
rural schools.

(h) To pay, on or before the first day of August, in each year, the grant so apportioned to the rural public and separate schools in counties, to the treasurer of the county, and through him (except when he acts as sub-treasurer also) to the township treasurers for payment by them to the boards of rural public and separate school trustees upon the warrants of the inspectors of public and separate schools;

(i)

- (i) Subject to the Regulations, to pay the grants so apportioned to rural public and separate schools in Provisional Judicial Districts to the respective boards of trustees on or before the first day of August in each year or in two equal instalments, the first on or before the 1st day of August, and the second on or before the 1st day of December;
- (j) Subject to the Regulations, to apportion to public and separate school boards in poor rural districts, and to the residents of lumber, mining, and other settlements all sums of money appropriated for assisted schools;
- (k) Subject to the Regulations, to apportion all sums of money appropriated for high school purposes among the several high schools of the Province, on the basis of the salaries paid to teachers, the character of the accommodation, and the value of the equipment, after providing a minimum grant for each school which is equipped in accordance with the Regulations, and notice of such apportionment shall be given to the county clerk of each county, so that the county grant may be paid to the treasurer of the board of such school;
- (l) Subject to the Regulations, to apportion out of any moneys appropriated for such purposes, all sums payable under any Statute or Regulation towards the maintenance of Faculties of Education in any of the universities, the normal, model, or other schools or institutes for the training of teachers, continuation schools and fifth classes, consolidated schools, technical schools, manual training, household science and agricultural departments, school gardens, kindergartens, night schools, public libraries, travelling libraries, art schools, school libraries, art departments of schools, cadet corps and for free text books, inspection of schools, and the examination of teachers, and to apportion and distribute any other special sums that may from time to time be appropriated for educational purposes;
- (m) To accept in lieu of the departmental courses and examinations prescribed for candidates for teachers' certificates, such evidence of academic scholarship or professional training or experience as he may deem equivalent thereto;

Payments of grants to rural schools in districts.

Apportionment of grants to assisted schools.

Apportionment of high school grant.

Apportionment of grant made to different institutions.

Accepting other qualifications in lieu of departmental examinations.

(n)

Minister may submit questions arising upon school law to High Court.

- (n) To submit a case on any question arising under *The Public Schools Act, The High Schools Act, or The Separate Schools Act* or this Act to a Judge of the High Court for his opinion and decision, or, by the leave of a Judge of such Court to a Divisional Court of the High Court for its opinion and decision;

Power to settle disputes and complaints.

- (o) To determine all disputes and complaints laid before him the settlement of which is not otherwise provided for by law, and all appeals made to him from the decision of an inspector or other school officer;

Suspension or cancellation of certificates.

- (p) To suspend or cancel any certificate of qualification granted by the Department;

Power to appoint commissioners.

- (q) To appoint as a Commission one or more persons, as he may deem expedient, to inquire into and report upon any school matter, with power to administer oaths to witnesses, and with all the powers which may be conferred on commissioners under *The Public Enquiries Act*; and

8 Edw. VII., c. 8.

Annual report to be made by Minister.

- (r) To report annually to the Lieutenant-Governor upon the condition of education in Ontario, with such suggestions for the improvement thereof as he may deem expedient. (*See* 6 Edw. VII., c. 52, s. 23.)

#### SUPERINTENDENT OF EDUCATION.

Appointment of Superintendent.

7. The Lieutenant-Governor in Council may appoint a Superintendent of Education who shall hold office during pleasure. (*See* 6 Edw. VII., c. 52, s. 2 (1).)

Duties and powers.

8. The Superintendent of Education shall have, subject to the direction of the Minister and to the provisions of any Act or regulation, the general supervision and direction of all classes of High Schools, Public Schools, Separate Schools, Technical Schools, professional training schools and the Departmental Examinations for Teachers, Teachers' Institutes, Art Schools, and School Libraries, and of the Inspectors of any of such schools, and shall make such recommendations to the Minister as he may deem expedient with respect to any matters arising out of such supervision and direction. (*See* 6 Edw. VII., c. 52, s. 25 (2).)

#### ADVISORY COUNCIL OF EDUCATION.

Advisory Council of Education how composed.

9. There shall be an Advisory Council of Education composed as follows:—

(a)

- (a) The President of the University of Toronto for the time being, who shall be chairman;
- (b) The Superintendent of Education who shall, subject to the direction of the Minister, represent him, but shall have no vote;
- (c) Three additional members representing the University of Toronto, to be elected by the Senate of the University;
- (d) Four members representing, respectively, Queen's University, McMaster University, Ottawa University and the Western University, one to be elected by the Senate of each University;
- (e) Two members elected by and representing the High School Teachers;
- (f) Four members elected by and representing the Public School Teachers;
- (g) One member elected by and representing the Separate School Teachers;
- (h) Two members elected by and representing the Public School Inspectors, and
- (i) Two members elected as hereinafter mentioned and representing the School Trustees of the Province. (*See 6 Edw. VII., c. 52, s. 5.*)

10.—(1) The Council shall be a consultative committee to confer with the Minister on such subjects only as he may submit to it or to its committees. (*See 6 Edw. VII., c. 52, s. 6 (1).*)

To be a consultative committee.

(2) The Council shall have power, subject to the Regulations, to make rules for the conduct of its own business. (*6 Edw. VII., c. 52, s. 6 (4).*)

Regulating conduct of business.

11. No person who is directly or indirectly, alone or with another, as principal or agent, by himself or by the interposition of a third person financially interested in the preparation, publication, authorization or sale of any text book or other book or of any map or chart or other apparatus for use in any of the schools, continuation classes, departments or institutes which are under the direction and regulation of the Minister, shall be eligible as a member of the Council or sit or vote thereon, and any member of the Council who becomes so financially interested shall thereby vacate his office. (*See 6 Edw. VII., c. 52, s. 7.*)

Certain persons disqualified from being members.

12.—(1) The meetings of the Council and of its committees shall be called by the Minister.

How meetings to be called.

(2)

(2) The Registrar shall attend the meetings of the Council and shall act as secretary thereof.

Qualification  
of members.

13.—(1) Every representative of a University shall be elected from among the members of the Senate of the University, and each of the other elected members of the council shall be elected from among the members of the body which he represents, and shall possess the same qualifications as are prescribed by this Act for the electors of such body.

Election of  
representatives  
of Universities.

(2) At an election of a representative of a University every member of the Senate thereof shall have the right to vote, and in other respects each Senate shall elect its representatives in such manner as it may deem expedient.

Election of  
teachers and  
inspectors.

(3) The representatives of the high school, public school and separate school teachers, and of the public school inspectors, shall be elected by ballot as provided in this Act. 6 Edw. VII., c. 52, s. 9.

Triennial  
elections.

14.—(1) Every elected member of the Council shall hold office for three years, and until his successor is elected.

Eligible for  
re-election.

(2) A member of the Council who retains his qualification shall be eligible for re-election. (*See* 6 Edw. VII., c. 52, s. 10.)

What teachers  
may vote.

15.—(1) Every teacher who holds a permanent certificate of qualification granted by the Minister, and who is engaged in teaching in a school for which such permanent certificate qualifies such teacher shall be entitled to be entered on the list of teachers of that class and to vote at the election of a representative thereof.

What inspec-  
tors may vote.

(2) Every public school inspector engaged in the performance of the duties of that office shall be entitled to be entered on the list of inspectors qualified to vote for representatives of public school inspectors, and to vote at any election of such representatives. (*See* 6 Edw. VII., c. 52, s. 11.)

Lists of  
electors.

16. Whenever a general election of representatives is to be held the Registrar shall, as soon as may be after the receipt of the respective lists of qualified electors, make up and complete and enter on separate registers an alphabetical list of the names with the post office addresses of all persons belonging to each class of electors (except the members of a University Senate), entitled to elect representatives. (*See* 6 Edw. VII., c. 52, s. 12.)

Lists of  
teachers.

17.—(1) On or before the first Wednesday of October in each year in which a general election is to be held  
every



every high school, public school and separate school inspector shall furnish to the Registrar a list of the names of all teachers in the schools in his inspectorate who are entitled to vote, with their post office addresses.

(2) On or before the same date the Registrar shall prepare a list of the public school inspectors who are entitled to vote. Lists of Inspectors.

(3) Where by reason of a vacancy in the office, illness, absence or any other cause, there is no inspector or registrar able to furnish a list of voters, the Minister may require some competent person to furnish the same. (See 6 Edw. VII., c. 52, s. 13.) Vacancy in office of inspector or registrar.

18.—(1) No teacher or inspector shall be elected who has not been nominated in writing signed by at least six of the persons who are entitled to vote as members of the electing body to which such teacher or inspector belongs. Nominations of candidates.

(2) Every nomination paper shall contain the name and post office address of each candidate nominated therein and the post office address of each person signing such nomination paper, and shall be delivered at the office of the Registrar before four o'clock in the afternoon of the first Wednesday of October in the year in which the election is to be held, but not earlier than two weeks before that day, and nomination papers received by the Registrar by post within that time shall be deemed to be duly delivered to him. Nomination papers.

(3) A nomination paper which does not comply with the provisions of this section shall be null and void. 6 Edw. VII., c. 52, s. 14. Invalid nomination papers

19. If the number of candidates nominated does not exceed the number of representatives to be elected, the person or persons so nominated shall be deemed to be elected and the Registrar shall forthwith report the result with the names and post office addresses of the persons so elected to the Minister. 6 Edw. VII., c. 52, s. 15. Election by acclamation.

20.—(1) Where a greater number of candidates are nominated than the number of representatives to be elected by any electing body, an election shall be held and the Registrar shall send by post on or before the third Wednesday of October in the year in which the election is to be held a voting paper, Form "A," to each person qualified to vote at such election together with a list giving the names and post office addresses of all the candidates nominated. Proceedings when vote to be taken.

(2) Each person qualified to vote shall be entitled to as many votes as there are members to be elected to represent Electors may vote once only for any candidate.

sent the electing body to which he belongs, but may not give more than one vote to any one candidate.

Damaged  
voting paper.

(3) If a voting paper is accidentally so damaged as to be unfit for use the person to whom it was sent by the Registrar may return it to him and obtain another to be used in its place, but no second voting paper shall be furnished to any elector unless the first one is returned so damaged. 6 Edw. VII., c. 52, s. 16.

Mode of  
election to  
the council.

21.—(1) The voting papers shall be delivered to the Registrar between ten o'clock in the forenoon and four o'clock in the afternoon of any day between the third Wednesday of October and the first Wednesday of November, both days included, in any year in which an election is held; and any voting paper received by the Registrar by post within such dates before four o'clock in the afternoon of the last named day shall be deemed to be duly delivered to him.

Opening of  
ballot papers.

(2) Upon the Thursday next after the first Wednesday of November, at ten o'clock in the forenoon, the voting papers shall be opened by the Registrar with such assistance as the Minister may deem necessary in presence of the scrutineers to be appointed as hereinafter provided, who shall examine and count the votes and keep a record thereof in proper books to be provided by the Minister. Any candidate at the election may be present at the opening of the voting papers or be represented by not more than one agent appointed by him in writing. No voting paper which has not been furnished by the Registrar shall be counted.

Appointment  
of scrutineers.

(3) The Ontario Educational Association at its Easter meeting previous to the election, or in default, the President of the University of Toronto, shall appoint one person, and he and a person appointed by the Minister shall act as scrutineers at the election.

What votes to  
be counted.

(4) If an elector votes for more candidates than there are representatives to be elected by the electing body to which he belongs, his vote shall be invalid and shall not be counted.

Elector voting  
for persons not  
candidates.

(5) If an elector places upon his voting paper the name of any person who is not a qualified candidate, the vote in favour of any qualified candidate who is properly voted for shall not be invalidated, and such voting paper shall be acted upon as if the name of the person who was not qualified had not been inserted.

Declaration of  
results.

(6) Upon the completion of the counting of the votes and of the scrutiny, the Registrar shall declare elected as a member

member or members of the Council the candidate or the required number of candidates who have received the highest number of votes cast by the respective bodies of electors, and shall forthwith report the same in writing signed by himself and by the scrutineers, to the Minister.

(7) Where there is an equality of votes cast for two or more candidates which leaves the election of one or more members of the Council undecided, the scrutineers shall forthwith put into a ballot box a number of similar papers with the names of the candidates having such equality of votes written thereon, one for each candidate, and the Registrar shall draw by chance from the ballot box in presence of the scrutineers one or more of the papers sufficient to make up the required number, and the person or persons whose name or names are upon the paper or papers so drawn shall be deemed to be elected. (*See 6 Edw. VII., c. 52, s. 17.*)

22. The representative of each of the Universities mentioned in section 9 shall be elected on or before the first Wednesday in November of the year in which a general election is to be held, and notification of the names of the persons elected shall be sent forthwith to the Minister by the Registrar of each University. (*See 6 Edw. VII., c. 52, s. 18.*)

23.—(1) Where default is made in the election of the required number of representatives of any University or of any of the bodies authorized to elect representatives to the Council, at the time prescribed therefor, the Minister may fill the vacancy, but no person shall be appointed who is not a qualified member of the body which he is to represent.

(2) Where the office of a representative of any University becomes vacant for any cause before the expiration of his term of office, the Senate of the University shall, as soon as may be convenient, elect another representative to fill the vacancy, and if the vacancy is not so filled within one month the Minister may appoint a member of the Senate of the University to fill the vacancy.

(3) Where a member of the Council representing the public school inspectors or representing one of the bodies of teachers vacates his office from any cause before the expiration of his term of office, the candidate for such office who at the last preceding election had the highest number of votes next after the candidate or candidates elected, or if such candidate has already become a member or is unwilling or unable to accept the office or is the member vacating the office, the candidate at the last preceding election

tion who received the second or next highest number of votes shall, if he is willing to accept the office, forthwith become a member in place and for the remainder of the unexpired term of the representative so vacating his office and as soon as convenient shall be notified by the Registrar that he has become a member of the Council.

Equality of  
votes in such  
cases.

(4) Where by reason of two or more of such candidates having received an equal number of votes, the question of filling a vacancy cannot be decided as provided by subsection 3; it shall be decided by chance in the manner provided by subsection 7 of section 21.

When vacancy  
may be filled  
by Minister.

(5) Where there is no such candidate to fill the vacancy or none willing to accept the office, or if for any reason a vacancy cannot be filled under any of the preceding provisions, the vacancy may be filled by the Minister by the appointment of a qualified member of the body to be represented. (*See* 6 Edw. VII., c. 52, s. 19.)

Election and  
term of office  
of representa-  
tives of  
trustees.

24.—(1) The members representing the school trustees shall be elected by the members of the trustee section of the Ontario Educational Association at an annual meeting thereof, and such election shall be conducted in all respects in such manner as the majority of the members of such section shall deem expedient.

(2) A vacancy occurring at any time in such representation may be filled at the next annual meeting of the Association. (*See* 6 Edw. VII., c. 52, s. 19.)

Vacating  
office.

25. A member of the Council who ceases to reside in Ontario or to possess the required qualification, or becomes insane, or is convicted of an indictable offence shall *ipso facto* vacate his office. 6 Edw. VII., c. 52, s. 21.

#### SEPARATE SCHOOLS.

Powers of  
Minister as to  
separate  
schools not  
affected.

26. Subject to the provisions of this Act every power, right and authority, now by law vested in or held, had or possessed by the Minister or by the Department of Education in respect to Roman Catholic Separate Schools or to any matter or thing pertaining to or affecting such Separate Schools, shall be vested in and held, had and possessed by the Minister. 6 Edw. VII., c. 52, s. 26.

#### REGULATIONS AND ORDERS IN COUNCIL.

Regulations  
and Orders in  
Council to be  
laid before the  
Legislative  
Assembly.

27.—(1) Every Regulation and every Order in Council made under the authority of this Act or of the Acts relating to Public Schools, Separate Schools or High Schools, shall be laid before the Assembly if the Legislature is in session at the date of such Regulation or Order in Council, forthwith

forthwith, and if the Legislature is not then in session, within the first seven days of the session next after such Regulation or Order in Council was made.

(2) Where the Assembly at such session, or if the session does not continue for three weeks after the Regulation or Order in Council is laid before the Assembly, then at the next ensuing session, disapproves by resolution of such Regulation or Order in Council or of any part thereof, the Regulation or Order in Council, so far as disapproved of, shall have no effect from the time of the passing of such resolution. 6 Edw. VII., c. 52, s. 27.

Disapproval by  
Legislative  
Assembly.

#### PENALTIES.

28.—(1) A teacher, trustee, inspector, or other person officially connected with the Department, or with any normal, model, public, or high school or collegiate institute, or other institution which is under the management or control of the Department, shall not sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize or text book, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute or other institution aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly, compensation or other remuneration or the equivalent for so doing. 1 Edw. VII. c. 39, s. 121 (1); 6 Edw. VII. c. 53, s. 63.

No inspector,  
trustee,  
teacher, etc., to  
act as agent for  
the sale of  
books, maps,  
etc.

(2) For any contravention of subsection 1 a teacher shall incur a penalty of \$50; a trustee shall incur a penalty of \$100; an inspector shall incur a penalty of \$500; and any other person so officially connected shall incur a penalty of \$100.

Penalties for  
same.

(3) Any person, firm or corporation and any agent of a person, firm or corporation who employs a teacher, trustee, inspector, or any other person officially connected with the Department or with any normal, model, public or high school or collegiate institute, or other institution which is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or text book, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute, or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person, compensation or remuneration, or the equivalent thereof for so doing, shall for every such offence incur a penalty of \$500.

Penalty against  
business firm  
or agent.

(4)

Gifts, etc., to  
be *prima facie*  
evidence.

(4) Any gift or payment made to a teacher, trustee, inspector or other person so officially connected by any person, firm or corporation interested either as principal or agent in any such sale, shall be *prima facie* evidence of a violation of this section.

Recovery of  
penalties.

(5) The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*.

Application of  
penalties.

(6) The penalties recovered under this Act shall be applied to such school purposes as the Minister may direct.

Consent of  
Attorney-  
General to  
prosecution  
necessary.

(7) No prosecution for any of the penalties mentioned in this section shall be instituted without the written consent of the Attorney-General or his deputy.

Sale in ordi-  
nary course  
of business  
excepted.

(8) This section shall not apply to sales made by a trustee who is a merchant or book seller in the ordinary and regular course of his business as such, and made at his shop or place of business.

#### REPEAL.

6 Edw. VII., c.  
52 and amend-  
ments repealed

29. The Act passed in sixth year of His Majesty's reign, chaptered 52, and all amendments thereto are repealed.

#### SCHEDULE.

##### FORM "A."

(Section 20 (1)).

##### VOTING PAPER.

##### Advisory Council of Education.

I, \_\_\_\_\_ Election, 19 \_\_\_\_  
resident at \_\_\_\_\_, in the County of \_\_\_\_\_, do  
hereby declare:

(1) That the signature affixed hereunto is my proper handwriting;

(2) That I vote for the following person (or persons, as the case may be) as member (or members, as the case may be), of the Advisory Council of Education, viz.:

A.B., of \_\_\_\_\_, in the County of \_\_\_\_\_, etc.;

(3) That I have not signed any other voting paper;

(4) That this voting paper was executed on the day of the date hereof;

(5) That I vote in my right as Public School Inspector (or Public School Teacher, or Separate School Teacher, or High School Teacher, as the case may be);

(6) That my permanent professional certificate is dated and numbered \_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

## CHAPTER 89.

## An Act respecting Public Schools.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.	SALE OF SCHOOL PROPERTY, s. 19.
INTERPRETATION, s. 2.	SCHOOL SECTIONS AND UNION SECTIONS CONFIRMED, s. 20.
APPLICATION OF REGULATIONS, s. 3.	UNION SCHOOL SECTIONS, ss. 21-28.
NO RATE ON SUPPORTERS OF ROMAN CATHOLIC SEPARATE SCHOOLS, s. 4.	MAINTENANCE OF UNION SCHOOLS, s. 29.
EXISTING SCHOOL ARRANGEMENTS CONTINUED, s. 5.	CONFIRMATION OF BY-LAWS AND AWARDS, s. 30.
PUBLIC SCHOOLS TO BE FREE, s. 6.	SECOND SCHOOLS MAY BE ESTABLISHED WHERE ROADS IMPASSABLE, s. 31.
SCHOOL YEAR AND HOLIDAYS, s. 7.	SECTIONS IN UNORGANIZED TOWNSHIPS, s. 32.
RELIGIOUS INSTRUCTION, s. 8.	REVISION OF ASSESSMENT ROLLS, ss. 33-35.
SCHOOL VISITORS, s. 9.	ISSUING DEBENTURES FOR SCHOOL SITES AND HOUSES IN CERTAIN DISTRICTS, s. 36.
SCHOOL LANDS GRANTED PRIOR TO 24TH JUNE, 1850, s. 10.	COLLECTOR, s. 37.
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**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Public Schools Act.*" 1 Edw. VII. c. 39, s. 1.

Interpretation.

2. In this Act:—

"Board."

(a) "Board" shall mean a Board of Public School Trustees;

(b)



- (b) "County Inspector" shall mean the Inspector appointed for a County Inspectorate; "County Inspector."
- (c) "County Inspectorate" shall mean a county or portion of a county or portions of two or more counties for which an Inspector is appointed, but shall not include a city or separated town for which an Urban Inspector is appointed; "County Inspectorate."
- (d) "District Inspector" shall mean an Inspector appointed for a District Inspectorate; "District Inspector."
- (e) "District Inspectorate" shall mean an inspectorate composed of territory outside of county organization; "District Inspectorate."
- (f) "Inspector" shall mean Public School Inspector; "Inspector."
- (g) "Inspectorate" shall mean the territory for which an Inspector is appointed; "Inspectorate."
- (h) "Minister" shall mean Minister of Education; "Minister."
- (i) "Ratepayer" shall mean any person entered on the last revised assessment roll of the school section for public school rates and for the purposes of a school meeting shall include a farmer's son as defined by *The Consolidated Municipal Act, 1903*; "Ratepayer,"
- (j) "Regulations" shall mean regulations made under *The Department of Education Act*; "Regulations."
- (k) "School section" and "section" shall include a part of one or more township municipalities under the jurisdiction of one public school board; "School section."
- (l) "School site" shall mean the land necessary for a school house, playgrounds, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium and offices connected therewith; "School site."
- (m) "Secretary" or "Treasurer" shall include a secretary-treasurer. 6 Edw. VII. c. 53, s. 2. "Secretary" or "Treasurer."
- (n) "Separated town" shall mean a town which does not form part of a county for municipal purposes; "Separated Town."

- "Teacher." (o) "Teacher" shall mean a person holding a legal certificate of qualification;
- "Township." (p) "Township" shall include a union of townships;
- "Township board." (q) "Township board" shall mean a board having jurisdiction over all the public schools in a township;
- "Urban Inspector." (r) "Urban Inspector" shall mean the Inspector appointed for an urban inspectorate;
- "Urban Inspectorate." (s) "Urban Inspectorate" shall mean a city or separated town not included in a county inspectorate;
- "Urban municipality." (t) "Urban municipality" shall mean a city, town or village.

Application of regulations. 3. The Regulations, though not specially referred to, shall apply to any matter or thing in this Act contained, so far as the same are consistent with this Act. 1 Edw. VII. c. 39, s. 3.

No rate on supporters of Roman Catholic separate schools. 4. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic separate schools except that all taxable property shall continue to be liable to taxation for the purpose of paying any liability incurred for public school purposes while such property was subject to taxation for such purposes. 1 Edw. VII. c. 39, s. 4.

Existing school arrangements continued. 5. All public school sections or other public school divisions shall continue as they now exist; all trustees duly elected and all officers duly appointed shall continue in office; and all agreements, contracts, assessments, and rate-bills heretofore duly made in relation to public schools, and existing when this Act takes effect shall continue subject to the provisions of this Act. 1 Edw. VII. c. 39, s. 5.

#### PUBLIC SCHOOLS TO BE FREE.

Public schools to be free. 6.—(1) All schools established under this Act shall be free public schools, and every person between the ages of five and twenty-one years shall have the right to attend some such school in the urban municipality or rural school section in which he resides.

(2).

(2) Children between the ages of four and seven years may attend kindergarten schools, subject to the payment of such fees as to the board may seem expedient. 1 Edw. VII. c. 39, s. 6. Right to attend kindergarten schools.

(3) Every corporation, society, agent or person having the custody of a child, and being a public school supporter, shall be entitled to send such child to the public school of the municipality or school section in which the child resides, as if he were the child of a ratepayer in such municipality or school section; and every such corporation, society, agent or person shall be subject to the provisions of *The Truancy Act* in the same manner and to the same extent as a ratepayer. 7 Edw. VII. c. 51, s. 1. Right of children to attend schools. 9 Edw. VII., c. 92.

#### SCHOOL YEAR AND HOLIDAYS.

7.—(1) The school year shall consist of two terms, the first of which shall begin in rural schools on the third Monday in August, and in urban schools on the first day of September, and shall end in both rural and urban schools on the twenty-second day of December, and the second of which in both rural and urban schools shall begin on the 3rd day of January and end on the 29th day of June. School year and school terms.

(2) Every Saturday, every public holiday, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged, shall be a holiday in public schools. Saturdays and other holidays.

(3) With the approval of the inspector, the board of a rural school section may substitute holidays in some other part of the year for part of the time herein allowed for Easter and midsummer vacations to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed in each year. 1 Edw. VII. c. 39, s. 96; 4 Edw. VII. c. 30, s. 15. Rural school sections.

(4) When there is no county organization, the inspector, subject to an appeal to the Minister, may determine the length of time, which shall not be less than six months, during which a school shall be kept open each year, and it shall be the duty of the board to keep the school open during the whole of the time so determined. 1 Edw. VII. c. 39, s. 65 (5); 6 Edw. VII. c. 53, s. 36; 7 Edw. VII. c. 51, s. 14. Determining school terms in districts.

## RELIGIOUS INSTRUCTION.

Religious  
exercises.

8.—(1) No pupil in a public school shall be required to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his parent or guardian.

Religious  
instruction.

(2) Subject to the Regulations, pupils shall be allowed to receive such religious instruction as their parents or guardians desire. 1 Edw. VII. c. 39, s. 7.

## SCHOOL VISITORS.

Public school  
visitors  
defined.

9.—(1) Judges, members of the Assembly, and members of municipal councils, shall be school visitors in the municipalities where they respectively reside, and every clergyman shall be a school visitor in the municipality where he has pastoral charge.

Authority to  
visit public  
schools.

(2) School visitors may visit public schools, may attend any school exercises, and at the time of any visit, may examine the progress of the pupils, and the state and management of the schools, and give such advice to the teachers and pupils, and any others present, as they deem expedient. 1 Edw. VII. c. 39, s. 99.

## SCHOOL LANDS GRANTED PRIOR TO 24 JULY, 1850.

School lands  
granted before  
1850 vested in  
trustees for  
school pur-  
poses.

10. All lands which before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes, and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which such lands are respectively situated, shall continue vested in such trustees, and shall continue to be held by them and their successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which such lands are now respectively held. 1 Edw. VII. c. 39, s. 123.

## SELECTION OF SCHOOL SITES BY RURAL BOARDS.

Selection and  
change of  
school site.

11.—(1) Whenever it is deemed expedient by or it is the duty of a rural school board to erect a new school building or where a petition in that behalf is presented by 25 per cent. of the ratepayers of the school section, the board

board shall select a school site and shall thereupon call a special meeting of the ratepayers to consider the site selected by the board, whether the same be the present site or a new site; and no site shall be adopted, except in the manner herein provided, without the consent of a majority of such meeting. *See* 6 Edw. VII. c. 53, s. 22.

(2) In case a majority of the ratepayers present at such special meeting differ from the board as to the suitability of the site selected by it, each party shall then and there choose an arbitrator, and the inspector, or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting shall make and publish their award, and may, in and by the award approve of the site selected by the board or may change the boundaries of the same or may select such other site as the arbitrators or the majority of them deem more suitable for the purpose. 1 Edw. VII. c. 39, s. 34 (2); 4 Edw. VII. c. 30, s. 2 (1); 6 Edw. VII. c. 53, s. 23.

When trustees and ratepayers differ as to site.

Award of arbitrators as to site for rural school.

(3) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider the award and within two months thereafter to make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least five years from the date thereof. Provided that, in case the boundaries of the section have been altered before any action has been taken by the board to purchase the site, proceedings under this section may be taken for the selection of a site as if no award had been made. 1 Edw. VII. c. 39, s. 34 (3).

Reconsideration of award.

(4) If the board or the majority of the ratepayers present at a public school meeting, neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator, as provided in this Act, the inspector, with the arbitrator appointed, shall meet and determine the matter; and the inspector in case of such refusal or neglect, shall have a second or casting vote if he and the arbitrator appointed do not agree. 1 Edw. VII. c. 39, s. 35 (2); 6 Edw. VII. c. 53, s. 24.

Appointment of arbitrators — their powers.

#### ACTIONS TO SET ASIDE AWARDS.

12. No action to set aside an award made under this Act shall be undertaken by, or at the instance of the board

Consent of majority of ratepayers to action to set aside of award.

of a rural school section without the consent of the majority of the ratepayers of the section present at a special meeting duly called to consider the advisability of such action being brought. 4 Edw. VII. c. 30, s. 2 (2).

#### SCHOOL WALLS AND FENCES.

Fence.

**13.** Any wall or fence deemed necessary by the board or required by the Regulations for the enclosure of the school premises shall be erected and maintained by the board. 1 Edw. VII. c. 39, s. 37 (2).

#### ENLARGEMENT OF SCHOOL GROUNDS BY BOARD.

Enlargement  
of school site.

**14.** Where the area of a rural school site is less than is required by the Regulations the board may, without reference to a special meeting of the ratepayers, enlarge the same so as to conform to the Regulations. 1 Edw. VII. c. 39, s. 38; 6 Edw. VII. c. 53, s. 28.

#### ALTERATION OF SCHOOL BOUNDARIES.

Union of two  
or more  
sections.

**15.—(1)** The council of a township may pass by-laws;

(a) To unite two or more sections in the same township into one section if, at a meeting of the ratepayers in each section called by the board or by the inspector for that purpose, a majority of the ratepayers present at each meeting request to be united. 1 Edw. VII. c. 39, s. 41, (1); 2 Edw. VII. c. 40, s. 2.

Provided  
as to township  
boards,

Provided that when all the school sections in a township have been consolidated the council may limit the number of trustees constituting the board to not less than six, after at least one month's notice in writing has been given to the secretary of the board of the intention to consider a resolution to that effect, and in such case the council may provide for the election of all trustees by a general vote of the ratepayers of the whole township or divide the township into as many districts as there are trustees to be elected and provide for the election of one trustee for each of such districts. 4 Edw. VII. c. 30, s. 3.

Alteration,  
etc., of school  
sections.

(b) To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite any part of an existing section with another section, or with a new section, or to unite parts of existing sections so as to form a new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union, have been duly notified

notified, in such manner as the council may deem expedient, of the proposed by-law for that purpose; or of any application made to the council to do so. 1 Edw. VII., c. 39, s. 41 (2); 3 Edw. VII. c. 32, s. 2.

(2) No such by-law shall be passed later than the first day of June in any year, nor shall, subject to the provisions as to the formation, alteration or dissolution of union school sections, take effect, except as herein otherwise provided, before the 25th day of December next thereafter, and shall remain in force, unless set aside, as hereinafter provided. for a period of five years.

(3) The township clerk shall transmit a copy of such by-law immediately after the passing thereof to the board of every school section affected thereby and to the inspector. 1 Edw. VII. c. 39, s. 41 (3); 7 Edw. VII. c. 51, s. 9.

(4) Where part of a school section has been added to a city or town, the council of the municipality in which such section is situate may pass a by-law for the readjustment of the boundaries of the remaining part of such section, notwithstanding the passing of a by-law within five years affecting the limits of such section or adjoining sections. 1 Edw. VII. c. 39, s. 41 (4).

#### CONSOLIDATED SCHOOLS.

16.—(1) In case the ratepayers in each of two or more rural school sections, at a special meeting duly called by the board or by the inspector for that purpose, pass a resolution to unite for the purpose of carrying on a consolidated school, the council of the township in which the school sections are situate, or, in case the school sections are situate in different townships, then the council of each of such townships may pass a by-law to consolidate the sections for that purpose.

(2) The resolutions and by-laws so passed shall fix a date for the establishment of such school, which shall not be less than three months after the passing of the last of such by-laws nor before the first day of the next calendar year after the resolutions are passed.

(3) The trustees of such consolidated school section shall be a corporation by the name of "The Board of Trustees of Consolidated School," inserting the name of the school, and shall possess all the powers and perform all the duties and be subject to all the liabilities conferred and imposed by this Act upon the trustees of rural schools, and may also provide for the conveyance of pupils to and from school and for the cost thereof; and they may, subject to

to the approval of the Minister, select a name for such school.

Maintenance when in different townships or counties.

(4) Where the sections consolidated are in different townships or counties the provisions of this Act relating to union school sections shall apply to the consolidated school section for the purpose of fixing the proportion of the cost of maintaining the school to be borne by the different parts of such consolidated school section; and each township in which any part of the consolidated section is situate shall levy, collect and pay over its proportion, as if such school were a union school.

Original sections to continue to elect trustees

(5) The school sections so consolidated shall maintain their separate identity and each of such sections shall continue to elect trustees as if no consolidation had taken place.

Trustees of sections to be consolidated board.

(6) The trustees so elected shall constitute the board of the consolidated school section.

Boards of sections continued.

(7) The trustees elected for each of the sections so consolidated shall continue to be a school corporation and shall have the care of the school buildings and property, if any, which belonged to such section before the consolidation, and shall make such requisitions upon the board of the consolidated school as may be necessary to provide insurance and protection therefor.

Care and disposal of property.

(8) The trustees of each section, if authorized by the majority of ratepayers present at a meeting duly called for that purpose, shall dispose of such school buildings and property or any part thereof in such manner and on such terms as the ratepayers may determine at such meeting.

Consolidated board to include sums required by the section boards in annual requisition.

(9) The board of the consolidated school shall include the respective sums required by each separate section under subsection 7 and shall distinguish the same in their annual requisition upon the municipal council or councils for school funds and the sum so required by each separate section shall be levied upon and collected from the taxable property of the public school supporters in that section, and the board of the consolidated school shall pay the same, as required, to the trustees of the respective separate sections. 8 Edw. VII. c. 67, s. 7.

When by-law to be passed—duration of.

(10) A by-law to form a consolidated school section shall not be passed later than the 1st day of June in any year nor take effect except as herein otherwise provided before the 25th day of December next thereafter, and shall remain in force unless set aside as hereinafter provided for at least five years. (*New.*)

Dissolution of section.

(11) If, at any time after the expiration of five years from the establishment of such school, at a special meeting



ing duly called for the purpose, a majority of all the members of the board of the consolidated school vote in favour of the dissolution of such section, the council or councils of the township or townships in which such section is situate may pass by-laws dissolving such section, and fixing a date for the dissolution, which shall not be less than three months after passing the by-laws nor before the first day of the next calendar year thereafter. (New.)

(12) Upon such dissolution, the boards of the separate sections shall have all the powers and perform all the duties of the public school boards as if no such consolidation had taken place, and they may, by agreement arrange for the disposition of the property acquired for or used by the consolidated school and adjust all or any claims and matters among themselves relating to such property or school. (New.)

Powers and duties of boards of separate sections after dissolution.

(13) If any claim or matter is not settled by agreement, each board concerned shall appoint an arbitrator and if the number appointed be an even number, those appointed shall appoint an additional arbitrator or if they cannot agree the Minister shall appoint an additional arbitrator and all differences among the boards shall, subject to the provisions of subsection 3 of section 20, be determined by the arbitrators in the manner provided in *The Arbitration Act*. (New.)

Arbitration.

9 Edw. VII., c. 35.

(14) The township clerk shall transmit copies of all by-laws passed under the provisions of this section immediately after the passing thereof to the board of every section affected thereby and to the inspector. (New.)

Copies of by-laws to be sent to boards and to inspector.

#### APPEALS TO COUNTY COUNCILS.

17.—(1) A board, or any five ratepayers of any one or more of the school sections concerned, may within twenty days, by notice filed in the office of the county clerk appeal to the county council of the county in which such section or sections are situate, against any by-law of the township council for the formation, division, union or alteration of their school section or sections: or against the neglect or refusal of the township council, on application being made to it by a board or any five ratepayers concerned, to form, unite, divide or alter the boundaries of a school section or school sections within the township. 1 Edw. VII. c. 39, s. 42 (1).

Appeal to county council.

(2) The time for appeal shall run from the date of the by-law complained of, or from the date of the meeting at which the council refused to pass the by-law, or from the second meeting after which notice was received by the clerk of

Time for appeals.

of the application of the board or ratepayers asking for such by-law to be passed, as the case may be. 1 Edw. VII. c. 39, s. 42 (2).

Appointment  
of arbitrators.

(3) The county council may, if it thinks fit, appoint a board of arbitrators consisting of not more than five, nor less than three competent persons, two of whom shall be the County Judge, or some person named by him, and the inspector, a majority of whom shall form a quorum, to hear such appeal and to form, divide, unite or alter the boundaries of the school section or school sections, so far as to settle the matters complained of. 1 Edw. VII. c. 30, s. 42. (3); 7 Edw. VII. c. 51, s. 10.

Notice.

(4) Due notice of the alteration or of the determination of the arbitrators shall be given by the inspector to the clerk of the township, and to the school boards concerned. 1 Edw. VII. c. 39, s. 42 (4, 5).

Appeals in  
territorial  
districts.

(5) In a provisional judicial district the appeal shall be to a board of three arbitrators composed of the judge of the District Court or some person named by him, the inspector and some person appointed by by-law or resolution of the township council.

(a) The notice of appeal shall be given to the clerk of the township, the inspector and the judge.

(b) The township council at its first meeting after service of such notice upon the township clerk, shall appoint their arbitrator, and the clerk of the township shall forthwith notify the inspector of such appointment.

(c) The judge upon receipt of the notice of appeal shall notify the inspector in writing of his willingness to act as arbitrator, or shall name some person to act in his stead, and notify the inspector in writing of such appointment.

(d) When the board is complete the judge or his nominee shall convene the first meeting of the board and he shall be chairman thereof. 7 Edw. VII. c. 51, s. 11.

When altera-  
tion or deter-  
mination of  
appeal to take  
effect—dura-  
tion.

(6) The alterations or determination of such matters, except as herein otherwise provided, shall not take effect before the 25th day of December in the year in which the award is made and shall thence continue in full force for the period of five years at least, and thereafter until changed under this Act. 1 Edw. VII. c. 39, s. 42 (3); 7 Edw. VII. c. 51, s. 10.

Who may act  
as arbitrators.

(7) No person shall be nominated or appointed arbitrator, who is a member of the township council, or who was a member at the time at which the council passed, or refused or neglected to pass the by-law.

## ADJUSTMENT OF CLAIMS BETWEEN BOARDS.

18.—(1) On the formation, dissolution, division or alteration of any school section or sections in the same township, in case the boards of the sections interested are unable to agree, the inspector and two other persons appointed by the township council shall as arbitrators, value, adjust and determine in an equitable manner all rights and claims consequent upon such formation, dissolution, division or alteration between the respective parts of the township affected, and the determination of the arbitrators or of any two of them shall be final and conclusive. 1 Edw. VII. c. 39, s. 43.

Adjustment of claims between unions in same township.

(2) Where there are more inspectors than one the township council shall name the inspector who is to act.

Where more inspectors than one.

## SALE OF SCHOOL PROPERTY.

19.—(1) When a school site, school house or other school property is no longer required, in consequence of the alteration or the union of school sections, the same shall be disposed of, in such manner as a majority of the ratepayers in the altered or united school sections may decide at a meeting duly called for that purpose.

Disposal of school property when not required.

(2) Where ratepayers are transferred from one school section to another, the board of the section to which they are transferred shall be entitled for the public school purposes of the section to such a proportion of the proceeds of the sale, as the assessed value of the property of the ratepayers so transferred bears to that of the whole number of ratepayers of the school section to which they belonged before the separation; and the residue of such proceeds shall be applied to the erection of a new school house or to other public school purposes in the old school section.

Application of proceeds where ratepayers transferred from one section to another.

(3) In the case of united sections, the proceeds shall be applied to the public school purposes of the united section. 1 Edw. VII. c. 39, s. 44.

Application of proceeds in union sections.

## VALIDITY OF SCHOOL ARRANGEMENTS AND PROCEEDINGS.

20.—(1) Whenever a school section or a union school section has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law or not, it shall be conclusively deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such section had been formed thereunder, unless, in the meantime, proceedings have been taken calling in question the legal status of such section and notice thereof has been given to the persons who, according to the practice of the Court in which the proceedings are taken, ought

School sections and union sections confirmed.

ought to be served with notice thereof, and such proceedings shall result in its being determined that such section has not been legally formed.

Proceedings  
for formation  
etc., validated.

(2) No proceeding in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section and no arbitration or award in reference thereto or as to any matter which by the provisions of this Act are to be or may be determined by arbitration shall be deemed to be invalid or shall be set aside because of the failure to comply with the provisions of this Act applicable to such proceeding. arbitration or award unless in the opinion of the tribunal before which such proceeding, arbitration or award is called in question, the same, if allowed to stand, will cause substantial injustice to be done to the persons affected thereby or some of them.

Jurisdiction  
of county or  
district judge.

(3) Should any question arise touching the validity of the proceedings in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, or touching the selection adoption or change of a school site, or touching any by-law of the council of any municipal corporation in any way relating to such matters or any or either of them or touching any arbitration or award heretofore or hereafter had or made under the provisions or authority of this Act, the same shall not be raised or determined by action or proceeding in the High Court, but shall be raised, heard and determined upon a summary application to the Judge of the county or district court of the county or district in which such school section or some part thereof is situate, and the decision of such Judge shall be final and conclusive, unless special leave to appeal therefrom shall be given by the High Court or a Judge thereof, and if such leave be given an appeal shall lie to the High Court upon questions of law only, upon and subject to such terms and conditions as the Court or Judge giving the leave shall prescribe. 6 Edw. VII. c. 53, s. 29.

Appeals where  
county judge  
is arbitrator.

(4) Where the question touches an arbitration or award to which the Judge has been a party, the application shall be heard and determined by the Judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census. 7 Edw. VII. c. 51, s. 12.

#### UNION SCHOOL SECTIONS.

What unions  
may be  
formed.

21.—(1) A union school section may be formed between parts of two or more adjoining townships, or a union may be formed between parts of one or more townships and an adjoining urban municipality not being a city or a separated town, and in such case the union shall be considered an urban municipality.

(2)

(2) A union school section may be formed, altered or dissolved on the petition of five ratepayers from each of the municipalities concerned, to their respective councils, asking for the formation, alteration or dissolution of the section.

Procedure for formation, alteration or dissolution of union.

(3) Each of the councils so petitioned may appoint an arbitrator who shall not be a member of the council, and notice of the appointment shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned who shall also be arbitrators.

Appointment of arbitrators.

(4) A council may act upon a petition addressed to the councils concerned or to any two or more of them jointly, if such petition is signed by five ratepayers of the municipality acting thereon.

Petition to council.

(5) Where there would otherwise be an even number of arbitrators, the Judge of the county or district court, or some person named by him, shall be added, and where the arbitration affects two or more counties or districts, the Judge of the county or district court of the county or district which has the largest population according to the last Dominion census, or some person named by him shall be added.

Where even number of arbitrators appointed county judge to act.

(6) The arbitrators, or a majority of them, may make and publish the award.

Majority of arbitrators may make award.

(7) The first meeting of the arbitrators shall be called by the senior inspector who shall give ten days' notice in writing of such meeting to the clerks of the municipalities concerned, who shall forthwith notify the arbitrators appointed by their respective councils.

First meeting of arbitrators.

(8) Where the arbitrators determine upon the formation of a new union section, or upon the alteration of the boundaries of an existing union section, they shall in their award set forth the specific parcels of land to be included in such new union section, or in such altered section as the case may be.

Award, what to contain.

(9) In the event of the transfer of any land from an existing union section to some other section the arbitrators shall in their award set forth to what other section such transfer shall be made.

Award to set out land transferred.

(10) Where the arbitrators determine upon the dissolution of an existing union section they shall set forth in their award the section or sections to which the land composing such union section shall be attached.

In cases of dissolution.

(11) Where the arbitrators are of opinion that it would be in the interests of the parties concerned, and that it is practicable so to do, they may form part of the territory of a section into a new section, or form a new union section, and they shall indicate the land of which such section

Reorganizing union section.

section or union section shall be composed, and the remainder of the union section shall be disposed of as herein provided.

To fix proportions of liabilities.

(12) Where a new union section is formed or an existing union section is altered the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection of the school house and the maintenance of the school and other necessary expenses.

Adjustment of claims

(13) The arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of a union section between the respective municipalities, school sections and ratepayers concerned, and shall also determine in what manner and by what municipality or municipalities or by what parts thereof the same shall be paid and the money to be paid by one part of the municipalities or school sections concerned to the union section so formed or altered, and the disposition of the property of the union section, and any payment by one part to the other and the right of any ratepayer affected by the award.

Calling first meeting to elect trustees.

(14) Where a new union section is formed, the inspector authorized under subsection 7 to call the first meeting of the arbitrators, shall call the first meeting of ratepayers for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act.

Not to take effect till the 25th of December except for certain purposes.

(15) Such union, alteration or dissolution, except as herein otherwise provided, shall not take effect until the 25th day of December, after the award or a certified copy thereof is filed with the clerks of the municipalities concerned, but the trustees may at any time after their election raise money for and may acquire a school site, erect school buildings and provide school equipment.

Reconsideration of union school section award.

(16) A union school section shall not be altered or dissolved for a period of five years after the award has gone into operation, whether the award does or does not change the boundaries of existing sections, but nothing herein shall prevent a municipal council from enlarging the boundaries of a union section as may be deemed expedient. Provided always that two-thirds of the ratepayers of a union section may, at the expiration of three years from the date of its formation, petition the municipal council or councils concerned for a reconsideration of the award for the formation of the section, and the proceedings shall be the same as in the case of a petition under subsection 2.

New arbitration after three years.

(17) Where an award, whether for or against the formation of a new union school section, has not been acted upon, the

the proceedings mentioned in subsection 1 may be taken at any time after the expiration of three years after the award was made.

(18) Where an award, whether for or against the formation of a new union school section, has been adjudged illegal or void, the proceedings mentioned in subsections 1 and 2 may be taken at any time after the expiration of the time for appealing against the judgment or decision or after the disposition of any appeal therefrom. 1 Edw. VII. c. 39, s. 46; 4 Edw. VII. c. 30, ss. 5 and 6.

New arbitration when award set aside.

(19) In a provisional judicial district,

(a) A union school section may be formed of an organized township or part thereof and an unorganized township or locality or between a town and a part of an organized township or an unorganized township or locality and may be altered or dissolved, and in such case the petition of the ratepayers of the part of such proposed union section not included in the organized township shall be presented to the inspector.

Union section partly in organized and partly in unorganized township in territories.

(b) The arbitrators shall consist of a person appointed by the council of the organized township, the inspector of the district and the Judge of the district court, or some person named by him, and they shall have all the powers of the board of arbitrators mentioned in the preceding subsections of this section, all of which, so far as applicable, shall apply to the subject matter of this subsection. 1 Edw. VII. c. 39, s. 27 (7).

(20) The powers conferred by this section may be exercised notwithstanding that the period fixed by subsection 2 of section 15 or by subsection 1 of section 30 has not expired. 1 Edw. VII. c. 39, s. 55 (3).

Alterations of school boundaries not to affect unions.

22.—(1) Where the territory which it is proposed to form into a union section or where the union section which it is proposed to alter or dissolve, lies wholly within a county the board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council from any award made by the arbitrators either for or against the formation, alteration or dissolution of such section or against the neglect or refusal of the township council or councils concerned to appoint arbitrators, as provided in section 21.

Appeal relating to union school within a county.

(2) On receipt of such appeal the county council shall have power to appoint not more than three arbitrators, who shall neither be ratepayers in the territory or school section concerned

Appointment of arbitrators by county council.



concerned, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 21, and the decision of a majority of them shall be final and conclusive.

Calling first meeting of arbitrators.

(3) The first meeting of such arbitrators shall be called by the county clerk. 1 Edw. VII. c. 39, s. 47.

Appeal relating to union school within two or more counties.

23.—(1) Where the territory which it is proposed to form into a union section, or where the union section which it is proposed to alter or dissolve, lies in more than one county, the board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal to the Minister from any award made by arbitrators for or against the formation, alteration or dissolution of such section, or against the refusal or neglect of the township council or councils concerned to appoint arbitrators.

Powers of Minister.

(2) The Minister shall have power to alter, determine or confirm such award, or where no award has been made, then at his discretion to appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 21, and the decision of a majority of them shall be final and conclusive.

First meeting of arbitrators.

(3) The first meeting of the arbitrators shall be called by the Minister. 1 Edw. VII. c. 39, s. 48; 6 Edw. VII. c. 53, s. 30.

Collection of rates in union school sections.

24. The collectors of each municipality in which a part of a union section is situate shall collect the school rates for that part; and the amount collected from the ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and the treasurer shall pay over the same without any charge or deduction to the board entitled thereto. 1 Edw. VII. c. 39, s. 49.

School sections when municipality divided.

25. Where a township is divided for municipal purposes, all school sections which, in consequence of such division, are situate partly in each of the newly formed municipalities, shall be deemed union sections until otherwise altered under the provisions of this Act. 1 Edw. VII. c. 39, s. 50.

Election of trustees, and inspection of union school sections.

26. Every union school section shall, for the purpose of the election of trustees, be deemed one section, and in respect to inspection shall be deemed to be within the municipality in which the school house is situate, or if there are two or more school houses then in that municipality within which a school house is situate, which has the largest amount of property assessed for public school purposes. 1 Edw. VII. c. 39, s. 51.



27. Where a union school section includes an urban municipality divided into wards and part of an adjoining township, the board shall by resolution determine in which ward or wards the ratepayers of the township shall vote for the election of school trustees and on other school questions, and in the absence of any such resolution, then such part of the township shall be considered for all election purposes as attached to the adjacent ward, and if two or more wards are adjacent any such ratepayer may vote in either of such wards. 1 Edw. VII. c. 39, s. 52.

Where ratepayers to vote when municipality divided into wards.

28.—(1) Where part of a township becomes incorporated as or is annexed to and becomes part of an urban municipality, such part shall for all school purposes be deemed to be part of the urban municipality, provided that when the part incorporated or annexed comprises or includes part only of a school section, the municipalities interested, unless determined by agreement after the incorporation or annexation, shall each appoint an arbitrator, who, with the Judge of the county or district court, shall value and adjust in an equitable manner the rights and claims of all parties thereby affected, and shall determine by which municipality or part thereof, the same shall be paid or settled.

Where part of a township is annexed to a city.

(2) The award shall be final and conclusive, and any money found due, either by agreement or under the award, shall be deemed public school moneys and shall be payable out of the property taxable for public school purposes in that part of the school section situate within the indebted municipality.

Effect of award.

(3) The provisions of section 44 shall not apply to the money required to be paid under the award or agreement and debentures may be issued to be payable out of the property so taxable without calling a special meeting of the electors, and upon the terms and conditions set forth in a by-law of the council of the municipality.

Issue of debentures.

(4) Subject to the provisions of this Act as to the alteration of school boundaries and the formation of union school sections where a part of a township so incorporated or annexed includes part only of a school section, the part remaining shall constitute a school section by the same name as before the incorporation or annexation and the school corporation shall continue, and the trustees who are in office at the time of such incorporation or annexation shall continue in office until their successors are elected and shall be the Board of Public School Trustees for the part of the section not so included in the urban municipality. The trustees may resume office or be elected for the section, in case the Board has been disbanded, and action may be taken by the township council at any time,

Where part only of a school section is annexed.

as

as provided by this Act, to readjust the boundaries of the portion of the section that is not included in the urban municipality.

Adjustment of  
assets and  
liabilities  
upon union of  
municipalities.

(5) Where urban municipalities become united, all the assets and liabilities of the board of each municipality shall be vested in and assumed by the board of the united municipality. 1 Edw. VII. c. 39, s. 53.

#### MAINTENANCE OF UNION SCHOOLS.

Assessors to  
determine  
proportion

29.—(1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per cent. of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section, is situate, shall, after they have completed their respective assessments and before the first day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which such section lies.

Meeting of  
assessors to  
determine  
proportion.

(2) The meeting of the assessors shall be called by the assessor of the municipality in which the school-house is situate.

Where there  
are more assess-  
ors than one.

(3) Where there are more assessors than one, the head of the municipal corporation shall name the assessor who shall act.

Notice of  
determination.

(4) Notice of the determination shall be given forthwith to the secretary of the board, and to the clerk of each municipality.

Arbitration  
where assess-  
ors disagree.

(5) Where the assessors disagree, the inspector in whose inspectorate the union section is situate, and the assessors shall be arbitrators to determine the matter and report to the secretary of the board and to the clerk of each municipality, on or before the first day of July.

When school  
section lies in  
two counties.

(6) Where the union section is composed of parts of two adjoining counties, then on the disagreement of the assessors the inspector of the county in which the school-house of the section is situate shall act with the assessors.

Duration of  
decision of  
assessors.

(7) The decision of a majority of the arbitrators shall be final and conclusive until the next equalization of assessments takes effect.

Reconsidera-  
tion of award.

(8) The assessors or, in the case of an arbitration, the arbitrators on the request in writing of the inspector or of five ratepayers, may within one month after the report of the determination or award to the secretary of the board correct any omission or error in the terms in which the determination

determination or award is expressed. 1 Edw. VII. c. 39, s. 54; 3 Edw. VII. c. 32, s. 3.

(9) The costs of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in the same proportion as the equalized assessments bear to each other. 3 Edw. VII. c. 32, s. 4.

Cost of assessors and arbitrators.

#### CONFIRMATION OF BY-LAWS AND AWARDS.

30.—(1) A by-law of a municipal council for forming, altering or dissolving a school section, and an award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding for a period of at least five years, or, in case of a consolidated school section, for a period of at least three years, notwithstanding any defect in substance or form, or in the manner or time of passing or making the same, unless notice of an application to quash such by-law or to set aside such award is given to the township clerk within one month after the publication of such by-law or award, and the same is subsequently quashed or set aside.

By-law altering sections to be valid unless notice to quash given.

(2) Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary of each board of trustees affected thereby. 1 Edw. VII. c. 39, s. 55 (1, 2); 8 Edw. VII. c. 67, s. 8.

What deemed publication of by-law.

#### SECOND SCHOOLS MAY BE ESTABLISHED IN SECTIONS WHERE ROADS IMPASSABLE.

31.—(1) Where it appears to the Minister that owing to the condition of the roads or other causes, the public school in any school section in any township is inaccessible, during certain months of the year, to any of the pupils entitled to attend such school, the Minister may require the council to form a new school section or the board to provide a second school in their section.

Establishment of second school.

(2) The Minister may provide that the second school be opened during such months of the year as he may deem necessary and may prescribe the area from which pupils shall have the right to attend such second school.

Minister may determine months in which second school to be open.

(3) Any grant in either case from the assisted school fund shall be supplemented by equal amounts from the townships and county councils.

Grant.

(4) The provisions of subsection 1 of section 7 shall not apply to a school established under this section, but nothing herein shall relieve the pupils attending such second school from attendance at the public school of the school section during those periods of the school year in which

Attendance at school when second school closed.

which the second school is closed, nor relieve the board of such school section from the duty of providing school accommodation for such pupils during such periods. 4 Edw. VII. c. 30, s. 17.

#### SECTIONS IN UNORGANIZED TOWNSHIPS.

Formation of school sections.

**32.**—(1) The inspector may form an unorganized township or part of an unorganized township, or parts of two or more adjoining unorganized townships into a school section.

Limits of section.

(2) The section shall not, in length or breadth, exceed five miles, and subject to this restriction, the boundaries may be altered by the inspector from time to time.

Petition.

(3) A school section shall not be formed or altered except on the petition of five heads of families resident within the territory affected.

Inspector may transfer land to contiguous school section.

(4) The inspector on the petition of any head of a family who has a child attending school and who lives in one school section on land contiguous to another school section, may alter the boundaries of such sections so as to transfer such land from one section to the other, but such transfer shall not relieve the land from any taxation required to meet a liability incurred prior to the transfer, nor shall it be made unless in the opinion of the inspector it is more convenient for the child to attend the school in the section to which the transfer is requested.

Exemption from rate on account of distance

(5) A person whose place of residence is distant more than three miles by the nearest public highway from the school of the section shall be exempt from all rates for school purposes, unless a child of such person attends such school; but this exemption shall not apply to lands liable to taxation for school purposes owned by such person within such distance.

Election of school trustees

(6) After the formation of a section, any two of the petitioners may, by notice posted for at least six clear days in not less than three of the most public places in the section, appoint a time and place for a meeting for the election of three school trustees for the section.

Trustees' powers and obligations.

(7) The trustees elected at such meeting, or at any subsequent school meeting of the section, shall have the powers and be subject to all the obligations of public school trustees, and may at any time after their election take the proper steps, in accordance with the provisions of this Act, to raise funds for, and purchase a school site and erect school buildings and provide equipment for the school, but in other respects any alteration of the boundaries of a section shall go into operation on the 25th day of December, next after such alteration, and not before. 1. Edw. VII. c. 39, s. 25; 7 Edw. VII. c. 51, s. 6.

*Revision*

*Revision of Assessment Rolls.*

33.—(1) The inspector shall divide the school sections into groups of three or as near thereto as practicable, and shall notify the secretary of each section of the group to which it belongs, and the grouping may be changed from year to year as the inspector may direct. Sections to be divided into groups.

(2) The treasurers of the boards in a group shall constitute a court for the revision of the school assessment rolls of the sections in the group, and for the hearing and determination of any appeals against the same, and the members of such court shall be paid reasonable travelling expenses by their respective boards for their attendance. Court of Revision.

(3) Where from the sparseness of settlements, it would be inconvenient for a court of revision to meet for the revision of the assessment roll of any section, the inspector, on the request of any board may assume the functions of a court of revision for the section on behalf of which the request is made, and all the proceedings of the inspector in the matter shall be subject to the provisions of this Act, and shall have the same effect as if made in a court of revision constituted under subsection 2. 1 Edw. VII. c. 39, s. 26. When inspector to act as court of revision.

34.—(1) The board shall, annually, at their first meeting and not later than the first day of March in each year, appoint an assessor, who may be one of themselves, to prepare an assessment roll for the section, and the secretary shall submit a certified copy of the same to the proper court for revision. Annual assessment roll.

(2) The assessor shall notify every person assessed by leaving a notice containing the particulars of his assessment at his place of residence, or, if a non-resident, by mailing the same by registered post to his last known address, or, if his address is unknown, by posting up the same in the post office nearest to the land assessed. Notice of assessment.

(3) The assessor shall be subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable property in the section, and shall, before returning his assessment roll to the secretary of the board, attach thereto a certificate signed by him and verified upon oath according to the form prescribed in *The Assessment Act*. Assessor to make oath. 4 Edw. VII., c. 23.

(4) The assessor shall return the assessment roll to the secretary not later than the first day of June of the year in which the assessment is made. Return of roll.

(5) A copy of the roll so certified shall be open to inspection by all persons interested, at some convenient place in the section, notice whereof, signed by the secretary Appeal against assessment.

retary shall be posted up by him in at least three of the most public places in the section, and shall state the place and the time at which the court will hear appeals against the assessment.

Posting up  
notice.

(6) The notice shall be posted up for at least three weeks before the time appointed for hearing the appeals, and shall be mailed by registered post to the last known addresses of non-resident ratepayers. 1 Edw. VII. c. 39, s. 27 (1, 2, 3).

Manner of  
appeal.

(7) Subject to the provisions of clauses (a) and (b), all appeals and the proceedings thereon shall be the same as nearly as may be as in the case of appeals to a court of revision from municipal assessments, and the court of revision shall have the same powers as municipal courts of revision.

(a) The notice of appeal shall be given to the treasurer of the board within one month after the delivery, mailing and posting up of the notice provided for by subsection 2.

(b) The court may appoint a competent person to be its clerk for each section or one for all the sections.

School census.

(8) The assessor when making his assessment, shall enter in a book, to be provided by the board, the name, age and residence of every child between the ages of 8 and 14 years, resident in the section and the name and residence of such child's parent or guardian and shall with the assessment roll return the book to the secretary.

Census of per-  
sons entitled to  
attend school.

(9) The assessor shall make a census of all the children in the section between the ages of 5 and 16 years and between the ages of 5 and 21 years and shall make a return thereof to the secretary with the assessment roll: and the secretary shall include the same in his annual report to the inspector.

Confirmed roll  
binding.

(10) The roll, as finally passed and signed by the chairman of the court of revision, shall be binding upon the trustees and ratepayers of the section, until the roll for the succeeding year is passed and signed as aforesaid. 1 Edw. VII. c. 39, s. 27 (5).

Assessment of  
portion of  
unorganized  
township  
forming part  
of union  
school section.

35. Any part of an unorganized township which forms part of a union section, the remainder of which is an organized municipality or part of an organized municipality, shall for public school purposes be deemed to be annexed to such organized municipality, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part  
of

of the unorganized township forming part of such union section as with respect to any part thereof which lies within the organized municipality. 4 Edw. VII. c. 30, s. 16 (1).

36.—(1) In unorganized townships, the board of a section may issue debentures, for the purchase of a school site and the erection of a school house, for such amounts and for such term of years, not exceeding 30, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided by *The Consolidated Municipal Act, 1903*, provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section.

Issuing debentures for school sites and houses in certain districts.

3 Edw. VII., c. 19.

(2) The debentures shall be signed by the trustees, and shall be sealed with the corporate seal of the board, and shall be a charge upon the taxable property of the public school supporters of the section. 1 Edw. VII. c. 39, s. 33.

Signing and sealing debentures.

#### *Collector.*

37.—(1) The board may appoint some competent person who may be a member thereof, to collect the rates imposed by them upon the ratepayers of their section, or the sums which the inhabitants or others may have subscribed, and may pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every collector shall give security satisfactory to the board and the security shall be lodged for safe keeping with the inspector.

Appointment and duties of school collector.

(2) Every collector shall have the same powers in collecting the school rate, or subscriptions, and shall be under the same liabilities and obligations, and proceed in the same manner in the section or township, as a township collector in collecting rates in his township, as provided by *The Assessment Act*. 1 Edw. VII. c. 39, s. 29.

Powers and liabilities of school collector.

4 Edw. VII., c. 23.

(3) The collector shall, on or before the first day of June in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the county or district, showing each lot or parcel assessed, upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of such return with the year for which the rates so in arrear were imposed.

Collection of arrears of taxes in unorganized territory.

(4) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Sheriff to enter particulars in book.

(5)



Payments of  
arrears there-  
after.

(5) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the same became due, but in the case of payments made before the expiration of such period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book kept by him.

When arrears  
to be paid to  
sheriff.

(6) After the expiration of such period all such arrears shall be payable to the sheriff, who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board.

Sale of land  
for arrears.

(7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the same became payable the sheriff shall proceed to collect the same by the sale of the lands assessed and the procedure in relation to such sale and the provisions applicable to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities. 7 Edw. VII. c. 51, s. 7.

#### SCHOOLS IN UNSURVEYED DISTRICTS.

Schools in  
unsurveyed  
districts.

38.—(1) In any part of the Province not surveyed into townships, five of the inhabitants thereof who are twenty-one years of age, may call a public meeting of such inhabitants, by giving such notice of the meeting as the public school inspector shall direct.

Election of  
trustees.

(2) The meeting may elect three of the inhabitants to serve as public school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of this Act.

Notice to the  
Minister of  
Education.

(3) On receipt of a report from the inspector that a public school has been established and suitable accommodation and equipment provided for public school purposes, the Minister may pay over to the trustees out of the appropriation made by the Legislature for public schools such sum of money for the maintenance of such school as may be approved by the Lieutenant-Governor in Council. 1 Edw. VII. c. 39, s. 28.

#### EXEMPTIONS.

Exemption by-  
laws not to in-  
clude school  
taxes.

39. No by-law of a municipal council passed after the 14th day of April, 1892, or hereafter passed, for exempt-  
ing



ing any part of the rateable property in the municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind. 1 Edw. VII. c. 39, s. 77.

Exemption by by-law not to affect liability for school rates.

#### RETURN OF ANNUAL CENSUS.

40.—(1) The clerk of every county shall make a return to the Minister showing the population of each local municipality within the county, and the clerk of every city and of every separated town shall make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous years, such returns to be made on or before the first day of April in each year. 1 Edw. VII. c. 39, s. 73.

Clerks to make returns of population.

(2) The clerk of every county shall furnish the inspector forthwith on demand with such school statistics in regard to assessments as the Minister may direct. 7 Edw. VII. c. 51, s. 23.

Clerk to furnish Inspector with school statistics.

41.—(1) The clerk of every township shall give to the inspector when requested by him, a statement of the assessed value of each school section as shown by the last revised assessment roll, and at the request of any board shall furnish them with a statement shewing the several parcels or lots of land composing the school section, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel or lot, and the number of children between the ages of five and sixteen years in each section, and the cost of preparing this statement shall be paid by the board applying for the same. 1 Edw. VII. c. 39, s. 72 (2).

Clerk to give copy of assessment to Inspector.

(2) The clerk of every township in which a section is situate, which is wholly or in part united to an urban municipality, shall give to the clerk of the urban municipality such information as may be required regarding population and assessment in connection with such section.

Statement to be furnished to board by clerk.

#### APPORTIONMENT OF INVESTMENTS BY TOWNSHIPS.

42. The council of every township may by by-law apportion among the school sections in the township, the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid to the teachers engaged by the respective boards during the past year, or according to the average attendance of pupils in each section during the same period. 1 Edw. VII. c. 39, s. 71 (4).

Apportionment of school money by township councils.

## DEBENTURES.

*In Urban Municipalities.*

Debentures for school purposes

43.—(1) The council of an urban municipality, on the application of the board, may pass a by-law for borrowing money by the issue and sale of debentures for any one or more of the following purposes: The purchase or enlargement of a school site, the erection of a school house, drill hall, gymnasium or teacher's residence, or any addition to the same or any of them, or for repairs or improvements of the school property, or for the purchase of furniture, furnishings, school apparatus, a school library and other equipment.

Debentures to be chargeable only on property of public school supporters.

(2) The debentures and the money to be raised annually for payment thereof shall be chargeable only upon the property of ratepayers who are supporters of public schools.

Submission of question to vote of electors.

(3) Where the council refuses to pass such a by-law the question shall be submitted by the council, if requested by the board, to the vote of the electors qualified to vote under *The Consolidated Municipal Act, 1903*, on by-laws for the creation of debts, and who are supporters of public schools, in the manner therein provided, and on the assent of such electors being obtained the council shall pass the by-law and issue such debentures. 3 Edw. VII. c. 32, s. 5; 6 Edw. VII. c. 53 s. 42.

Form and term of debenture.

(4) The debentures may be for such amount, and for such term of years, not exceeding thirty, as the council sees fit, or the council may make the principal and interest payable by annual or other instalments, in the manner provided in *The Consolidated Municipal Act, 1903*.

3 Edw. VII., c. 19.

Where application is made by urban board and part of township attached.

(5) The application for the issue of debentures by the board of an urban municipality to which part of an adjoining township is attached shall be subject to the provisions of this section. 1 Edw. VII. c. 39, s. 76 (2, 3).

*In Rural Sections.*

Township school debentures.

44.—(1) On the application of a rural school board for the issue of debentures for any of the purposes mentioned in the next preceding section the council of the township shall pass a by-law therefor, and shall forthwith issue debentures to be payable out of the taxable property of the public school supporters of the section in such annual amounts as they may deem expedient, provided always that the proposal for the loan has been submitted to and sanctioned at a special meeting of the ratepayers, called for the purpose. 1 Edw. VII. c. 39, s. 74 (1); 2 Edw. VII. c. 40. s. 6; 6 Edw. VII. c. 53, s. 41 (1).

(2)

(2) The application for a loan, for any of such purposes, shall be made by the board of a union school section to the council of the municipality within which the school house or school site of such section is situate, and all debentures for the payment of the loan shall be issued by such municipality.

Applications for loans to be made to, and debentures issued by council.

(3) The application must be sanctioned by the rate-payers of the school section in the manner set forth in subsection 1.

Application must be sanctioned by rate-payers.

(4) Any other municipality or municipalities forming, or any part of which forms, part of the union section shall, on the requisition of the clerk of the municipality by which the debentures were issued, pay its or their share of the loan, including interest, as it comes due according to its or their liability as determined by section 29.

Municipality forming part of union section to pay its proportion.

(5) The proportion of the moneys payable by each of the municipalities shall be payable out of the taxable property of the public school supporters therein lying within the section. 1 Edw. VII. c. 39, s. 74 (2); 6 Edw. VII. c. 53, s. 41 (2).

How payable.

(6) The expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such section. 1 Edw. VII. c. 39, s. 74 (4).

Expenses of publishing by-laws.

(7) Notwithstanding any alteration which may be made in the boundaries of a section, the taxable property of the public school supporters situate therein at the time when such loan was effected, shall continue to be liable for the rate which may be levied for the repayment of the loan. 1 Edw. VII. c. 39, s. 74 (3).

Liability for loan.

45.—(1) A rural school board may require the council to raise by one yearly rate such sums as may be necessary for the purchase or enlargement of a school site, or the erection of a school house, or an addition thereto, or a teacher's residence.

School property may be paid for by one special rate

(2) A municipal council shall not levy or collect during any one year more than one school rate except for one or more of the purposes mentioned in subsection 1. 1 Edw. VII. c. 39, s. 75.

Council not to levy more than one rate except in certain cases.

#### BORROWING BY TRUSTEES.

46. A rural school board may, with the consent of the ratepayers first obtained at a special meeting called for that purpose, by resolution authorize the borrowing from any

School corporations may borrow surplus moneys.

any municipal corporation of any surplus moneys derived from the Ontario Municipalities Fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution, for any one or more of the following purposes: the purchase or enlargement of a school site, the erection of a school house, drill hall, gymnasium, or teacher's residence, or any addition to the same or any of them, and any sum so borrowed shall be applied only to the purpose for which it was borrowed. 1-Edw. VII. c. 39, s. 78; 6 Edw. VII. c. 53, s. 43.

#### RATES.

Councils to  
levy sums  
required by  
trustees.

3 Edw. VII.,  
c. 19.

4 Edw. VII.,  
c. 23.

47.—(1) The council of every local municipality shall levy and collect upon the taxable property of the public school supporters of the municipality (or of the sections in the case of rural schools), in the manner provided in this Act, and in *The Consolidated Municipal Act, 1903*, and *The Assessment Act*, such sums as may be required by the board for school purposes; and shall pay the same to the treasurer of the board from time to time as may be required by the board.

and to account  
for same.

(2) Every municipal council shall annually account for all moneys collected for public school purposes, and pay over the same to the school board of the municipality or of the section.

Excess to be  
credited to  
school board.

(3) Where the municipal council collects from the public school supporters of any municipality or of a school section any sum in excess of the sums disbursed on account of the public school or schools within such municipality or section, such excess shall be credited to and paid over to the board on whose account it has been collected. 1 Edw. VII. c. 39, s. 71 (1); 6 Edw. VII. c. 53, s. 40; 7 Edw. VII. c. 51, s. 18.

Establishment  
of libraries.

(4) The council of every municipality may, in addition to the sums required by a board to be collected, raise by assessment such other sums as it may deem expedient for the establishment and maintenance of a school library, or for aiding new or weak schools or continuation schools or fifth classes within such municipality, or for supplementing teachers' salaries or retiring allowances.

Correction of  
errors in col-  
lection of rates  
in previous  
years.

(5) Every municipal council shall correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be, to the end that no property shall escape from or be compelled to pay more than its proper proportion of the rate. 1 Edw. VII. c. 39, s. 71, (2, 3).

## RURAL SCHOOL SECTIONS.

48.—(1) Where not already so subdivided the municipal council of every township shall subdivide the township into school sections so that every part of the township shall be included in some section, and shall distinguish each section by a number. School sections in townships.

(2) Where the land or property of any person is situate within the limits of two or more sections, the parts so situate shall be assessed and returned upon the assessment roll separately, according to the divisions of the school sections within the limits of which the same are situate. Assessors to value lands situated in each section.

(3) No section shall be formed which contains less than fifty children, between the ages of five and twenty-one years, whose parents or guardians are residents of the proposed section, unless such proposed section is more than four square miles in area, provided that a smaller area, although it contains a less number of such children, may be formed into a school section where, because of lakes or other physical conditions, a section convenient for school purposes containing an area of more than four square miles cannot be formed. Area of new school sections.

(4) Every township clerk shall prepare in triplicate, a school map of the township, showing the divisions of the township into school sections and parts of union school sections; and shall furnish one copy to the county clerk, for the use of the county council, one to the county or district school inspector and retain the other in his office, for the use of the township council, and shall furnish annually, on or before the first day of December, to the local inspector, information in writing of the acreage, the assessed value, the rate for school purposes and the school population between the ages of five and twenty-one years of each section or part of a union section within the township. 1 Edw. VII. c. 39, s. 12 (1 to 4); 6 Edw. VII. c. 53, s. 8. Township clerk to prepare maps of school sections.

## RURAL SCHOOL TRUSTEES.

49.—(1) The trustees of every rural school section shall be a corporation by the name of "The Public School Board of Section No. \_\_\_\_\_ of the Township of \_\_\_\_\_ in the County of \_\_\_\_\_," inserting the number of the section and the names of the township and county. Trustees to be corporation.

(2) For every rural school section there shall be three trustees each of whom, in rotation, shall, except as herein otherwise provided, hold office for three years and until his successor has been elected. Trustees, term of office of.

(3) The persons qualified to be elected trustees shall be such persons as are British subjects and resident ratepayers. Trustees, qualification of.

3 Edw. VII.,  
c. 19.

ers or resident farmers' sons, within the meaning of *The Consolidated Municipal Act, 1903*, of the full age of twenty-one years, not disqualified under this Act, and no person not so qualified shall be elected or competent to act as trustee. 1 Edw. VII. c. 39, s. 10 (1, 2).

Elections in  
new sections.

50.—(1) At the first election in every new section, the first trustee elected shall hold office for three years, the second for two years, and the third for one year; or in case of a poll being taken, the trustee receiving the highest number of votes shall hold office for three years; the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year.

Casting vote.

(2) Where two or more trustees have received an equal number of votes the chairman shall give a casting vote or votes.

When first year  
to be deemed  
to commence  
and end.

(3) The first year in each case shall be deemed to commence at the date of such first election and extend till the date fixed by this Act for holding the second annual meeting of ratepayers thereafter. 1 Edw. VII. c. 39, s. 12 (6); 6 Edw. VII. c. 53, s. 10.

Corporation  
not to cease  
by want of  
trustees.

51. A school corporation shall not cease to exist by reason of the want of trustees, but if there are no trustees any two ratepayers of the section, or the inspector, by giving six days' notice, to be posted up in at least three of the most public places of the section, may call a meeting of the ratepayers, who shall elect three trustees, in the manner prescribed by this Act. 1 Edw. VII. c. 39, s. 10 (3).

Council may  
appoint trustees  
when no  
election.

52.—(1) Where the ratepayers of a section, for two years neglect or refuse to elect trustees, the council of the township may appoint trustees for the section, one for three years, one for two years, and the third for one year, to be reckoned from the date upon which the last election should have been had by the ratepayers, and may fill the vacancies on the board so long as the ratepayers neglect to do so.

Dissolution of  
school section  
on non-election  
of trustees.

(2) Instead of appointing trustees the council may by by-law declare the section dissolved and attach the same, in such proportions as they may deem expedient, to adjoining sections, and the assets of the section shall be disposed of as may be determined by the council. 1 Edw. VII. c. 39, s. 10 (4).

#### MEETINGS OF RATEPAYERS.

Annual meeting,  
when held.

53.—(1) A meeting of the ratepayers of every section for the purpose (among other things) of electing trustees shall be held annually on the last Wednesday of December, commencing at the hour of ten o'clock in the forenoon,  
at

at such place as the board shall by resolution determine or in the absence of such resolution at the school house of the section. 1 Edw. VII. c. 39, s. 14 (1).

(2) Where a new section is formed the clerk shall fix the place for the first meeting, and shall call the same for the fourth Wednesday after the time for appealing against the by-law forming the section has expired or after the final disposition of the appeal, if any, by causing notices to be posted up in three of the most public places in the new section at least six clear days before the date when the meeting is to be held.

Proceedings on formation of new school section.

(3) The meeting shall be held at the same hour and conducted in the same manner as the annual meeting in organized sections.

Time and conduct of meeting.

(4) At any time after the election of trustees in a new school section, proceedings may be taken under the provisions of this Act to raise money for and acquire a school site, erect school buildings and provide school equipment. 1 Edw. VII. c. 39, s. 12 (5); 6 Edw. VII. c. 53, s. 9; 7 Edw. VII. c. 51, s. 3.

Procedure after election of trustees in new section.

(5) When any school meeting has not been held at the proper time, the inspector, or any two ratepayers in the section, may call a meeting of the ratepayers by giving six clear days' notice, to be posted up in at least three of the most public places in the school section; and the meeting so called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Meeting to be called in default of first or annual meeting.

(6) The ratepayers present at a school meeting shall elect one of their number as chairman, and shall also appoint a secretary, who shall record the minutes of the meeting, and perform such other duties as are required of him by this Act.

Organization of meeting.

(7) The chairman shall submit all motions to the meeting in the manner desired by the majority, and shall be entitled to vote on any motion and in case of a tie the motion shall be declared to be negatived and he shall decide all questions of order, subject to an appeal to the meeting.

Chairman, duties of.

(8) The business of every school meeting may be conducted in the following order:—

Order of business.

- (a) Receiving the annual report of the trustees, and disposing of the same;
- (b) Receiving the annual report of the auditor, and disposing of the same;
- (c) Electing an auditor for the ensuing year;
- (d) Miscellaneous business;

(e)

(e) Instructing the trustees by resolution, if deemed expedient, to insure the school buildings and furniture;

(f) The election of trustees. 1 Edw. VII. c. 39, s. 14 (2, 3, 4, 5).

#### VOTING ON ELECTIONS OR SCHOOL QUESTIONS IN A RURAL SECTION.

Poll to be granted on application of two ratepayers.

54.—(1) A poll may be demanded by any two ratepayers at a meeting for the election of trustees, or for the settlement of any school question in a rural section, and such poll shall be granted by the chairman forthwith, if demanded within ten minutes after the result of a vote has been declared by the chairman. 1 Edw. VII. c. 39, s. 15 (1).

Proceeding in case of a poll.

(2) Where a poll is granted for the election of a trustee the secretary shall enter in a poll-book, in separate columns, the names of the candidates proposed and seconded, and shall write therein the names and residences of the ratepayers offering to vote within the time prescribed by this Act, and shall, in the column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name. 1 Edw. VII. c. 39, s. 15 (2); 6 Edw. VII. c. 53, s. 12.

Poll-book.

(3) Where a poll is granted on any school question the secretary shall prepare a poll-book with two separate columns marked respectively "for" and "against"; and shall, write therein the name and residence of each ratepayer voting on the question; and shall record his vote by setting the figure "1" opposite his name in the proper column so as to show how he votes on the question. 6 Edw. VII. c. 53, s. 13.

When voter is objected to.

(4) If objection is made to the right of any person to vote, the chairman, if the name of such person appears on the assessment roll or on Part I. or Part II. of the Voters' List, shall require such person to make the following declaration:

Declaration.

(1) I, A. B., declare and affirm that I am an assessed ratepayer (or farmer's son entitled to vote under *The Consolidated Municipal Act, 1903*), in school section No.

(2) That I am of the full age of 21 years;

(3) That I am a supporter of the public school in said school section No. ; (or, in case of a claim to vote as a farmer's son) that my father (mother, step-father, step-mother, as the case may be) is a supporter of the public school in said school section No. and



and that I have been a resident of said section for the past six months. (See 6 Edw. VII. c. 53, s. 14.)

(4) That I have the right to vote at this election.

Whereupon the person making such declaration shall be entitled to vote. 1 Edw. VII. c. 39, s. 15 (4).

(5) The poll shall not close before noon, but may close at any time thereafter when a full hour elapses without any vote being polled, and shall not be kept open later than four o'clock in the afternoon. When poll shall close.

(6) When the poll is closed the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and if there is a tie, the chairman shall give a second or casting vote. Counting votes - casting vote.

(7) In the case of an election of trustee the chairman shall then declare the candidate elected for whom the highest number of votes has been polled and in case of a vote on a school question, he shall declare the same adopted or negatived as the majority of votes is in favour of or against the same. Declaration of result.

(8) A correct copy of the minutes of every school meeting, and a copy of the poll-book where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the inspector. 1 Edw. VII. c. 39, s. 15 (5, 6). Copy of minutes to be sent to inspector.

(9) The secretary of every school meeting at which any person is elected as trustee shall forthwith notify him in writing of his election, and of the name and address of the chairman of the meeting, and every person so notified shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the date of election. 1 Edw. VII. c. 39, s. 15 (7); 6 Edw. VII. c. 53, s. 15. Acceptance of office by trustees.

(10) Where complaint is made to the inspector by a ratepayer that the election of a trustee, or that the proceedings or any part thereof of a school meeting, have not been in conformity with this Act, the inspector shall investigate the complaint, and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election, or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting; and it shall not be incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with the provisions of this Act if he is satisfied that the result Complaints as to elections.

result of such election or proceeding has not been affected thereby.

Clerk to supply  
list of school  
voters.

(11) The clerk of the municipality shall supply a list of the persons qualified to vote when required by the board or when required by the inspector in the case of an investigation with regard to the election of a trustee, or the proceedings of a school meeting. 1 Edw. VII. c. 39, s. 15 (8); 6 Edw. VII. c. 53, s. 16.

#### URBAN SCHOOL BOARDS.

Board to be a  
corporation.

55.—(1) Every board in urban municipalities, shall be a corporation by the name of "The Public School Board" (prefixing to the words "Public School Board" the name of the municipality for which the board is elected).

Who may be  
elected  
trustees.

(2) Any ratepayer who is a British subject resident in the municipality of the full age of twenty-one years and not disqualified, may be elected a public school trustee, and every trustee except as otherwise herein provided, shall continue in office until his successor has been elected and the new board organized, and no person who is not a British subject shall be elected or competent to act as trustee. 1 Edw. VII. c. 39, s. 56.

First election  
of trustees.

56.—(1) Where an unincorporated village becomes incorporated or a village or town changes its corporate status, the board having jurisdiction over the school property situate within such village, or town, before its incorporation or before the change of its corporate status shall exercise all the powers conferred by this Act upon the board of an urban municipality, until a new election of trustees is held.

First meeting  
in newly  
incorporated  
village.

(2) Where an unincorporated village becomes incorporated the board shall call a meeting of the ratepayers within one month after the date of the incorporation for the election of a new board.

Procedure for  
calling  
meeting.

(3) In calling the meeting the provisions of section 60 shall be complied with so far as the same are applicable. 1 Edw. VII. c. 39, s. 57.

#### *Municipalities divided into Wards.*

Trustees in  
city, etc.,  
divided into  
wards.

57.—(1) For every ward into which an urban municipality is divided there shall be two trustees, each of whom shall, except as otherwise provided in this Act, continue in office for two years, and until his successor has been elected and the new board organized. 1 Edw. VII. c. 39, s. 58 (1); 6 Edw. VII. c. 53, s. 31.

(2) After the first election of trustees in any ward or when from any cause the two trustees in any ward are elected simultaneously, one of them (to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes) shall hold office for one year and the other for two years, and after such first or simultaneous election one trustee shall be elected annually for each ward. 1 Edw. VII. c. 39, s. 58 (2); 6 Edw. VII. c. 53, s. 32.

In wards one trustee to retire each year.

*Municipalities not divided into Wards.*

58.—(1) The board of a town or village not divided into wards shall consist of six trustees, each of whom, except as otherwise provided in this Act, shall continue in office for two years and until his successor has been elected and the new board organized. 1 Edw. VII. c. 39, s. 59 (1); 6 Edw. VII. c. 53, s. 33 (1).

Trustees in villages not divided into wards.

(2) After the first election, three of the board (to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes) shall hold office for one year and the other three for two years, and after the first election three trustees shall be elected annually. 1 Edw. VII. c. 39, s. 59 (2); 6 Edw. VII. c. 53, s. 33 (2).

Term of office of first trustees.

QUALIFICATION OF VOTERS.

59.—(1) Every ratepayer of the full age of twenty-one years, who is assessed as a public school supporter in an urban municipality or in a school section, as the case may be, and every person qualified to vote as a farmer's son under *The Consolidated Municipal Act, 1903*, shall be entitled to vote at the election of school trustees and in a rural school section on all school questions. 1 Edw. VII. c. 39, s. 13.

Who may vote.

(2) Any person exempted from the payment of school rates wholly or in part on account of indigence shall be disqualified from voting. 6 Edw. VII. c. 53, s. 35.

No vote when exempted from school rates.

ELECTION OF TRUSTEES IN URBAN MUNICIPALITIES.

60. Subject to the provisions of section 61, elections of public school trustees in urban municipalities shall be held in the manner following:—

Provisions for elections of trustees.

(a) A meeting of the ratepayers for the nomination of candidates shall take place at noon on the last Wednesday in the month of December, annually, at such place as shall be fixed by resolution of the board, and in municipalities divided into wards

Nominations.

wards, in each ward thereof, if the board so directs.

Returning officer.

- (b) The board shall by resolution before the second Wednesday in December in each year name the returning officers to preside at the meetings for the nomination of candidates, and also for holding the election in case of a poll, and in case of the absence of such officer a chairman chosen by the meeting shall preside, and the board shall give at least six days' notice of such meeting.

Proceedings at nominations.

- (c) If at such meeting only the necessary number of candidates are proposed and seconded, the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected, and shall so notify the secretary; but if more candidates are nominated than are required to be elected, the returning officer or chairman shall adjourn the proceedings until the first Wednesday in January then next, when a poll or polls shall be opened at such place or places, and in each ward, where the municipality is divided into wards, as shall be determined by resolution of the board.

Hours of polling.

- (d) The polls shall be opened at the hour of ten o'clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, but any poll may be closed at any time after eleven o'clock in the forenoon, when a full hour elapses without a vote having been polled;

In cities and towns divided into wards clerk of municipality to furnish voters' list to public school boards.

- (e) In urban municipalities, and where township boards exist, the clerk of the municipality shall furnish to the board, within three days after request in writing, "The Voters' List" of the municipality, together with a supplementary list either printed or in writing of the names of persons who are assessed as supporters of separate schools, and also a list of the names, alphabetically arranged, of all ratepayers who are not already upon "The Voters' List";

Certified copy of list and a poll book to be provided for each polling place.

- (f) The board shall provide each polling place with such lists, and a poll book; and the returning officer or deputy returning officers, or the poll clerk, shall enter in such book in separate columns the names of the candidates nominated and shall write the names and residences of the ratepayers offering to vote at the election, and shall, in each column in which is entered the

Entries in poll book.

the name of a candidate voted for by a voter set the figure "1" opposite the voter's name; (*see* 6 Edw. VII. c. 53, s. 34).

- (g) When an objection is made to the right of a person to vote, the returning officer or deputy returning officer shall require such person to make the following oath or affirmation:—

Oath to be administered when voter objected to.

You swear (or solemnly affirm) that you are the person named, (or intended to be named,) in the list (or supplementary list) of voters now shown to you (*showing the list to voter*);

Form of oath

That you are a ratepayer;

That you are of the full age of twenty-one years;

That you are a public school supporter;

That you have not voted before for School Trustee at this election, either at this or any other polling place in this Ward, (or in this Municipality where the municipality is not divided into wards) for School Trustee;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God.

1 Edw. VII. c. 39, s. 61.

whereupon the person making the oath or affirmation shall be entitled to vote,

- (h) The returning officer or deputy returning officer shall, on the day after the close of the election, return the poll book to the secretary, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer or deputy returning officer;
- (i) The secretary shall add up the number of votes for each candidate, as appears from the poll book so returned, and shall declare elected, the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them;
- (j) When the result of the polling is indecisive by reason of two or more candidates having an equal number of votes, all of such candidates shall be notified of the first meeting of the board

Duty of returning officer after close of election.

Duty of Secretary.

Casting vote.

board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll, shall, before the organization of the board, give a vote for one or more of such candidates, so as to decide the election. 1 Edw. VII. c. 39, s. 60.

#### ELECTION BY BALLOT.

Elections of trustees on same day as municipal elections.

61.—(1) The board of an urban municipality or a township board may, by resolution of which written notice shall be given to the clerk of the municipality on or before the first day of October in any year, require the election of school trustees for such urban municipality or township, to be held by ballot on the same day as municipal councillors or aldermen are elected, as the case may be.

Trustees may discontinue use of ballot at elections.

(2) Any such board may in like manner discontinue the use of the ballot, on giving written notice to the clerk to that effect at the time hereinbefore mentioned, and thereafter the elections shall be conducted as provided in section 60.

Ballot not to be discontinued or resumed for three years after the change.

(3) Where any such board requires elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time, then the provisions of section 60 shall apply for a period of three years at least after such discontinuance.

Mode of conducting elections by ballot.

(4) Where notice is given requiring the election to be held by ballot, such election shall thereafter be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nominations and elections of aldermen or councillors and the provisions of *The Consolidated Municipal Act, 1903*, respecting the time and manner of holding the election, including the mode of receiving the resignation of persons nominated, vacancies, and declarations of office, shall *mutatis mutandis* apply to the election.

3 Edw. VII., c. 19.

Form of ballot papers.

(5) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions, containing the names of the candidates in the same form *mutatis mutandis* as those used for councillors or aldermen, and no ballot shall be delivered to any person who is entered on the list of voters as a separate school supporter. 1 Edw. VII. c. 39, s. 61.

62.—(1) In towns divided into wards the board by resolution may limit the number of trustees to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect, and such limitation shall not come into operation until the close of the current school year.

Election of trustees where wards abolished.

(2) When such resolution has been adopted the election shall thereafter be by vote of the electors of the whole municipality.

(3) The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual election, and thereafter three trustees shall be elected annually by the ratepayers of the whole municipality to fill the place of the same number retiring by rotation. 1 Edw. VII. c. 39, s. 61.

(4) In cities and, until a resolution has been passed under the next preceding subsection, in towns the trustees shall continue to be elected by wards notwithstanding that the aldermen or councillors are elected by a general vote and not by wards.

Election of trustees when council elected by general vote.

(5) Where the trustees are elected by ballot the election shall be conducted as nearly as may be in the manner provided in the preceding provisions of this section, and the officers for holding such election shall be appointed by the municipal council as if the election of aldermen or councillors by general vote had not been adopted for such city or town.

Vote by ballot.

(6) Where the election is not by ballot it shall be conducted as nearly as may be in accordance with the provisions of section 60. 2 Edw. VII. c. 40, s. 3 (1).

Open voting.

#### VACANCIES ON BOARD.

63.—(1) Where the office of trustee becomes vacant from any cause, the remaining trustees shall, except as provided in subsection 2 forthwith hold a new election to fill such vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected.

Vacancy in office of trustee.

(2) In the case of an urban municipality if such vacancy occurs within three months of the expiry of the term of office, the remaining trustees may allow the office to remain vacant until the next ensuing annual election. 1 Edw. VII. c. 39, s. 62.

Special case.



## CONTROVERTED ELECTIONS.

Judge of  
county court  
to receive and  
investigate  
complaints.

64.—(1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a township board has been established shall be made to the Judge of the County or District Court within twenty days after such election, and he shall, within a reasonable time, in a summary manner, hear and determine the complaint, and may cause the assessment rolls, collector's rolls, poll books, and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit and may cause such persons as he may deem expedient to appear before him and give evidence. 1 Edw. VII. c. 39, s. 63 (1); 2 Edw. VII. c. 40, s. 4 (1).

Powers of  
judge.

(2) The Judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed; and if the Judge determines that any other person was duly elected, he may order such person to be admitted: and if the Judge determines that no person was duly elected, he shall order a new election to be held, and he shall in all cases report his decision to the secretary of the board. 1 Edw. VII. c. 39, s. 63 (2); 2 Edw. VII. c. 40, s. 4 (2).

Bribery and  
undue  
influence.

3 Edw. VII.,  
c. 19.

65. In the case of an election of trustees in an urban municipality or in a township for which a township board has been established the provisions of *The Consolidated Municipal Act, 1903*, as to bribery and undue influence shall apply, and in every case in which an election is complained of on those grounds the enquiry by the Judge in reference thereto shall be by oral testimony only.

## RESIGNATIONS.

Trustees may  
resign.

66.—(1) A trustee of a rural section may resign by giving notice, in writing, to each of the other trustees.

Re-election of  
any trustee  
lawful.

(2) Where after the resignation of a rural school trustee he has continued to act for three months without his right to do so having been called in question by proceedings to vacate his seat, or for the holding of a new election, he shall be deemed to have continued to be a trustee notwithstanding his resignation and shall hold office for the residue of the term for which he was elected. 7 Edw. VII. c. 51, s. 4.

Urban trustees  
may resign.

(3) A member of an urban board may resign by giving written notice of his resignation to the secretary.

(4)



(4) A retiring trustee shall be exempted from serving for four years next after leaving office, but he may with his own consent be re-elected. 1 Edw. VII. c. 39, s. 16; 3 Edw. VII. c. 32, s. 1.

Trustee resign-  
ing but con-  
tinuing to act.

#### MEETINGS OF BOARDS.

67.—(1) Every urban board shall hold its first meeting in each year on the third Wednesday in January, at the hour of seven o'clock in the evening, or at such other hour on the same day and at such place as may have been fixed by resolution of the former board; or, if no place has been so fixed, at the usual place of meeting of the council of the municipality.

First meeting  
of Board.

(2) The secretary shall preside at the election of chairman, or, if there be no secretary, or in his absence, the members present shall choose one of themselves to preside at such election, and the member so chosen may vote as a member.

President at  
first meeting.

(3) In case of an equality of votes at the election of chairman the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

Casting vote.

(4) The presence of a majority of the members constituting a board shall be a quorum at any meeting, and a vote of the majority of such quorum shall be necessary to bind the corporation. 1 Edw. VII. c. 39, s. 64.

Quorum of  
school  
boards, etc.

(5) On every question other than the election of a chairman, the chairman or presiding officer of the Board may vote with the other members of the Board and any question on which there is an equality of votes shall be deemed to be negatived.

Equality of  
votes on urban  
board.

68.—(1) Subject to the provisions of subsection 4 of section 53, every rural school board shall hold its first meeting in each year at the school house of the section on the Wednesday following the annual meeting, at the hour of 4 o'clock in the afternoon, and shall be organized by the election of a chairman, a secretary and a treasurer or a secretary-treasurer.

Organization  
of board  
at first meeting.

(2) Subsequent meetings shall be held at such time and place as the board may deem expedient.

Subsequent  
meetings.

(3) The presence of a majority of the members constituting a board shall be necessary to form a quorum. 1 Edw. VII. c. 39, s. 17.

Quorum.

69. No act or proceeding of a rural school board which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding. 1 Edw. VII. c. 39, s. 20; 6 Edw. VII. c. 53, s. 20.

Corporate acts  
must be  
adopted at  
lawful trustee  
meetings.

## NON-RESIDENT PUPILS.

Admission of  
non-resident  
pupils.

70.—(1) The board shall admit to the school any non-resident pupil who resides nearer to such school than to the school in his own section if the inspector reports that the accommodation is sufficient for the admission of such pupil, and in case of dispute as to distance, the decision of the inspector shall be final.

Fees of non-  
resident  
pupils.

(2) The parent or guardian of such non-resident pupil shall pay such fees monthly as may be prescribed by the board, but such fees, together with the taxes, if any, paid by the parent or guardian to such school, shall not exceed the average cost of the instruction of the pupils of such school. 1 Edw. VII. c. 39, s. 95 (1, 2).

A resident of  
one section  
sending his  
children to  
another  
section.

(3) The parent or guardian shall be liable for the payment of all rates assessed on his taxable property for the purposes of the section in which he resides, but the board of that section may remit the whole or any part of such rates, not exceeding the amount of the fees paid to the board of the neighbouring section. 1 Edw. VII. c. 39, s. 95 (3); 6 Edw. VII. c. 53, s. 52.

Attendance of  
children of  
non-residents.

(4) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public school of the section on the same terms and conditions as the children of residents. 1 Edw. VII. c. 39, s. 95 (4).

Remission of  
school tax  
where certain  
fees paid.

(5) Where the children attending a neighbouring section reside three miles or more by the nearest public road from the school house in the section to which they belong, the board of the section in which such children reside shall remit so much of the taxes payable by the parents or guardians of such children for school purposes as equals the fees paid to the board of the neighbouring section. 1 Edw. VII. c. 39, s. 95 (5); 6 Edw. VII. c. 53, s. 53.

Pupils in  
house of  
refuge.

(6) A person of school age maintained in a county house of refuge shall be deemed to be a non-resident, and the county council shall pay to the board of the school attended by such person such monthly fees as may be agreed upon, or at least the average cost of the instruction of the pupils of such school. 1 Edw. VII. c. 39, s. 95 (6).

Providing for  
admission of  
pupils from  
rural school  
section to  
urban or  
Indian schools.

71.—(1) The ratepayers of a rural section may by resolution at the annual or any special meeting, authorize the board to provide for the admission of the pupils of such section to the schools of any adjoining urban municipality or school section or to an Indian school under the supervision

supervision of a public school inspector, subject to the approval of the Minister and of the board of such urban municipality or school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation which the board is required by this Act to make for the pupils of the section, and as a public school within the meaning of sections 88 and 89.

(2) The first mentioned board may levy and collect upon the taxable property of the section such sums as may be necessary to pay the fees of pupils attending the schools of such urban municipality or school section, to pay for the conveyance of the pupils to and from such schools, and also such other sums as they may deem expedient, or as may be required by this Act.

Payment of fees and expenses of conveying pupils to and from school.

(3) In ascertaining the average attendance of pupils at an urban school for the purpose of apportioning the legislative grant, the pupils attending such school under the provisions of subsection 1 shall not be included.

Non-resident pupils not to be counted in fixing proportion of grant.

(4) The township council shall pay to the board of such rural section their actual disbursements for the maintenance of their pupils at, and their transportation to and from the school which they attend, not exceeding the minimum sum required by subsection 1 of section 90 and subsections 1 and 2 of section 91, to be levied, collected and applied to teachers' salaries.

Expenses payable by township.

(5) The board shall also be entitled to receive such share of the legislative and county grants as may be determined by the Minister in case the amount received from the township council is not sufficient to cover such actual disbursements. 1 Edw. VII. c. 39, s. 21; 2 Edw. VII. c. 40, s. 1; 4 Edw. VII. c. 30, s. 1; 7 Edw. VII. c. 51, s. 5.

Share of grants.

#### DUTIES OF TRUSTEES.

72. It shall be the duty of the boards of all public schools and they shall have power:—

Duties of Board.

- (a) To appoint a secretary and a treasurer or a secretary-treasurer, who may be a member of the board and to appoint such committees, officers and servants as may be deemed expedient;
- (b) To fix the time and place of meetings of the board, the mode of calling and conducting them, and of keeping a correct account of the proceedings of such meetings and to transmit to the Minister all returns and reports required by the Regulations;

Appointment of secretary and others.

To fix meetings of the board.

(c)

Inspection of school property at first meeting of board.

(c) In the case of a rural school board at the first meeting of the board to examine the school house, outbuildings and school furniture, maps and apparatus, with a view to ascertain what repairs or improvements may be necessary, and to make suitable provision for lighting fires and keeping the school house and premises in a cleanly and sanitary condition by appointing some person for that purpose;

To provide adequate accommodation.

(d) To provide adequate accommodation for all children between the ages of five and sixteen years resident in the municipality, and in the case of rural schools for two-thirds of such children resident in the section, as ascertained in both cases, by the school census taken by the assessor in the next preceding year, and in computing such residents the children of persons on whose behalf a separate school has been established under *The Separate Schools Act* shall not be included;

To provide and maintain school premises.

(e) To acquire or rent school sites and premises, and to build, repair, furnish and keep in order the schoolhouses, furniture, fences and all other school property and to keep the wells, closets and premises in a proper sanitary condition;

Registers and school appliances.

(f) To procure registers, maps, globes, apparatus, and, if deemed expedient, prize books and to establish and maintain school libraries; 1 Edw. VII. c. 39, s. 65 (1, 2, 3, 4).

To determine number of schools, etc.

(g) To determine the number, grade, territorial boundaries and description of schools to be opened and maintained; the teachers to be employed; the terms on which they are to be employed; and their remuneration and rank, whether principals or assistants;

To keep school open and establish classes, etc.

(h) To keep open each school during the whole period of the school year, except where it is otherwise provided by this Act; and, if deemed expedient, to establish kindergartens and classes for industrial training and instruction in household science;

Dental and medical inspection.

(i) To provide and pay for such dental and medical inspection of the pupils as the Regulations may prescribe, or, in the absence of Regulations, as the board may deem proper. 7 Edw. VII. c. 51, s. 15.

(j)

- (j) To expel from the school a pupil who is adjudged by the board and the teacher to be so refractory that his presence in school is injurious to the other pupils. 1 Edw. VII. c. 39, s. 65 (6). Dismissal of refractory pupils.
- (k) If deemed expedient, to purchase for the use of pupils, text books and other school supplies; and either to furnish the same to the pupils free of charge or to collect for the use thereof from their parents or guardians a sum not exceeding twenty cents per month per pupil to defray the cost thereof. 6 Edw. VII. c. 53, s. 37. Trustees may collect a fee from parents for books, etc.
- (l) If deemed expedient, to exempt any indigent person from the payment of school rates, in whole or in part, and to notify the clerk of the municipality of such exemption, on or before the first day of August, and where deemed necessary to provide for the children of such person text books and other school supplies at the expense of the board; 1 Edw. VII. c. 39, s. 65 (8). Exemption of indigent persons from school rates.
- (m) To provide and pay, in the case of urban schools, salaries of inspectors, teachers, instructors and other officers and employees of the board, repairs to buildings, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of trustees and officers of the board incurred by the authority of the board; Urban boards to pay officials and maintenance expenses.
- (n) To submit to the municipal council, on or before the first day of August, or at such time as may be required by the council, an estimate, for the current year, of the expenses of the schools under their charge; 1 Edw. VII. c. 39, s. 65 (9). To lay before council estimates for moneys.
- (o) To provide, in the case of rural schools, for the payment of a secretary's and teachers' salaries quarterly and, if necessary, to borrow on the promissory note of the board, under its corporate seal, at interest not exceeding six per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected; 1 Edw. VII. c. 39, s. 65 (10). Payment of teachers' salaries.
- (p) To submit, in the case of urban municipalities, all accounts, books and vouchers to be audited by the municipal auditors whose duty it shall be to audit the same, and to publish as soon as the audit is made in one or more of the public newspapers, or otherwise, an abstract of the annual report of the auditors, with their findings To publish auditors' report.

ings and recommendations; 1 Edw. VII. c. 39, s. 65 (11).

Custody and disposal of school property.

(*q*) To take possession of all property acquired or given for public school purposes, and to hold the same according to the terms on which it was acquired or given; and to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof for school purposes or as directed by this Act; 1 Edw. VII. c. 39, s. 65 (12).

Supplementing superannuation allowances.

(*r*) To supplement out of school funds, as deemed expedient, any allowance payable under this Act to superannuated teachers; 1 Edw. VII. c. 39, s. 65 (13).

Execution of teachers' agreements.

(*s*) To execute the agreement with each teacher required by subsection 1 of section 85, and to procure the execution thereof by the teacher before he enters upon his duties;

Use of school house.

(*t*) To permit the school house and premises to be used for any educational or other lawful purpose, which may be deemed proper, provided the proper conduct of the school is not interfered with; 7 Edw. VII. c. 51, s. 15.

Evening lectures.

(*u*) If deemed expedient, and subject to the Regulations, to establish, conduct and maintain free lectures open to the public, and to include in their estimate for the current year the expense thereof; 7 Edw. VII. c. 51, s. 15.

Dismissal of secretary or treasurer.

(*v*) If deemed expedient, to dismiss the secretary or treasurer at any time and thereupon to make a new appointment to fill the vacancy; 8 Edw. VII. c. 67, s. 9.

Penny Savings Banks.

(*w*) If deemed expedient, to provide books, stationery and other materials necessary in connection with the establishment and maintenance of a Penny Savings Bank, or any system introduced for the encouragement of thrift and the habit of saving. 8 Edw. VII. c. 33, s. 55.

Employing teachers in charitable institutions.

73. The board of a city, when so requested in writing, by a charitable organization having the charge of children of school age, may employ teachers for such children, and may furnish for their use all school supplies, and such children shall be considered public school pupils, and shall be subject to the provisions of this Act. 1 Edw. VII. c. 39, s. 67.

74.—(1) An urban board may expend such sums as it may deem expedient in promoting and encouraging gymnastics and other athletic exercises provided such sums shall not exceed two hundred dollars per annum when the annual registered attendance of pupils does not exceed 3,000 and \$50 additional for each additional thousand in attendance.

Grant for encouragement of physical training.

(2) The board may also provide uniforms for classes in military drill.

Military uniforms.

(3) Where a board of education has been established in any city or town, the allowance for games to high schools and public schools may be consolidated, and games for the high schools and public schools held on the same day. 7 Edw. VII. c. 51, s. 17.

Consolidation of funds for games.

#### DUTIES OF TREASURER.

75.—(1) The treasurer shall give such security as may be required by the board, and the security shall be deposited with the clerk of the municipality.

Security to be given by secretary-treasurer.

(2) A trustee shall not be surety for the treasurer or for any person entrusted with school money. 1 Edw. VII. c. 39, s. 112, *part*.

Trustees not to be sureties.

(3) The treasurer shall receive all school moneys and shall account for the same and shall disburse all moneys as directed by the board, and he shall produce when required by the board, or by auditors or other competent authority, all papers and money in his possession, power or control belonging to the board. 1 Edw. VII. c. 39, s. 18; 6 Edw. VII. c. 53, s. 18.

Duties.

#### DUTIES OF SECRETARY.

76. It shall be the duty of the secretary:—

- (a) To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the board for that purpose, and to see that the minutes, when confirmed, are signed by the chairman of the meeting;
- (b) To call a special meeting of the board, at the request in writing of two trustees or of ten ratepayers, specifying the objects for which the meeting is to be held; and to state the objects of the meeting in the notice calling the same;
- (c) In the case of a rural section, to give notice in writing, before the 15th day of January, in each year, to the inspector and to the clerk of the municipality of the names and post office addresses

Duties of secretary  
Minutes of meetings.

Calling special meetings.

Names and addresses of trustees and teachers to be given to township clerk.

addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes;

Notice of annual meeting and meetings to fill vacancies in board, etc.

- (d) In the case of a rural section to give the notice required by this Act of each annual meeting of the ratepayers of the section; to call a special meeting of the ratepayers when directed by the board, or on the request in writing of ten ratepayers, for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school auditor or for any other lawful school purpose; to cause notices of the time and place, and of the objects of such meeting, to be posted up in three or more public places in the section, at least six clear days before the time of holding such meeting; and to cause to be prepared for the annual meeting of the ratepayers, a report for the year then ending, containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during such year and any further information that may be required by the Minister or by the Regulations, such report to be signed by the trustees and by either or both of the auditors of the section;

Report at annual meeting.

Annual and semi-annual returns.

- (e) To transmit to the inspector all returns on or before the fifteenth day of January in each year according to the forms prescribed by the Regulations. 1 Edw. VII. c. 39, s. 19; 6 Edw. VII. c. 53, s. 19.

Compensation of secretary-treasurer.

77. The secretary of a rural school section may be allowed such remuneration for his services and for attending to the repairs of the school house or premises as shall be fixed by the trustees. 1 Edw. VII. c. 39, s. 18 (4).

#### AUDITORS OF RURAL SECTIONS.

Auditors.

78.—(1) There shall be two auditors for every rural section, one of whom shall be elected annually by the ratepayers at the annual meeting or at a special meeting and the other appointed by the board on or before the first day of December in each year.

Filling vacancies.

(2) Where an auditor dies or refuses or is unable to act another may be elected or appointed in his place.

(3)



(3) If from any cause at any time after the first day of December there are not two auditors, willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require. 6 Edw. VII. c. 53, s. 21.

Appointment  
by inspector.

(4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer, shall afford to the auditors, all the information in their and each of their power as to the receipts and expenditures which the auditors or either of them may require.

Trustees and  
secretary-  
treasurer to  
lay accounts,  
etc., before  
auditors.

(5) The auditors, or one of them, shall on or immediately after the first day of December in each year, appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. 1 Edw. VII. c. 39, s. 22 (2, 3).

Time of audit.

(6) There shall be two auditors for every consolidated school, one of whom shall be appointed by the trustees and the other by the inspector.

Auditors for  
consolidated  
school.

79.—(1) It shall be the duty of the auditors to examine into and decide upon the accuracy of the accounts of the section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts, with a full report thereon at the next annual school meeting.

Duties of  
auditors.

(2) Any difference of opinion between the auditors on any matter in the accounts, shall be decided by the inspector.

Differences  
between  
auditors.

(3) If both auditors object to the lawfulness of any expenditure, they shall report the matter to the annual meeting, which may either determine the same, or submit it to the Minister, whose decision shall be final. 1 Edw. VII. c. 39, s. 23.

Report of  
objections.

80. The auditors or either of them may require the attendance of all persons interested in the accounts, and of their witnesses, with such books, papers, and documents as the auditor or auditors may direct and may administer oaths to such persons and witnesses. 1 Edw. VII. c. 39, s. 24.

Powers of  
auditors.

81. An auditor who has entered upon an audit may complete the same, although he has not done so within the time prescribed by this Act. (*New.*)

May complete  
audit after  
time  
prescribed.

## DUTIES OF TEACHERS.

## 82. It shall be the duty of every teacher:—

To teach according to law, preserve discipline, etc.

- (a) To teach diligently and faithfully the subjects in the public school course of study as prescribed by the Regulations; to maintain proper order and discipline in the school; to encourage the pupils in the pursuit of learning; to inculcate by precept and example, respect for religion and the principles of Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

Use of English language.

- (b) To use the English language in instruction and in all communications with the pupils in regard to discipline and the management of the school, except where it is impracticable to do so by reason of the pupil not understanding English, but recitations requiring the use of a text book may be conducted in the language of the text book; 1 Edw. VII. c. 39, s. 80 (1,2).

Duties in and about the schoolhouse, registers, etc.

- (c) To see that the school house is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon; to call the roll every day according to the register prescribed by the Regulations; to enter in the visitors' book visits made to the school; to give the inspector, trustees and visitors access, at all times, to the register and visitors' book; and to deliver the register, the school house key and other school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his engagement has ceased; 1 Edw. VII. c. 39, s. 80 (3); 6 Edw. VII. c. 53, s. 44.

Classification of scholars and conduct of classes.

- (d) To classify the pupils according to the courses of study prescribed by the Regulations; to conduct the school according to a time-table accessible to pupils and visitors; to prevent the use by pupils of unauthorized text-books; to attend regularly the teachers' institutes in the inspectorate; to notify the board and inspector of his absence from school, and the cause thereof; and to make at the end of each school term, and subject to revision by the inspector, such promotions from one class or form to another as he may deem expedient;

(e)

- (e) To hold closing exercises of the school, and to give due notice thereof to the board, to any school visitors who reside in the school section, and through the pupils, to their parents or guardians, and to hold such other examinations as may be required by the inspector for the promotion of pupils, or for any other purpose as the inspector may direct; Examinations.
- (f) To furnish to the Minister and the inspector any information which it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports of the board as are required by the Regulations; Information for department.
- (g) To give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the school house, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement and neat appearance of the playgrounds, and to report promptly to the board and to the municipal health officer the appearance of any infectious or contagious disease in the school, or the unsanitary condition of the school house, outhouses or surroundings; 1 Edw. VII. c. 39, s. 80 (4, 5, 6, 7). Care of health of pupils. preservation of school property.
- (h) To refuse admission to the school of any pupil who he believes is affected with, or exposed to chicken pox, small pox, cholera, glanders, scarlet fever, scarlatina, diphtheria, whooping cough, measles, mumps, or other infectious or contagious disease or consumption until furnished with a certificate of a medical health officer or of a duly qualified medical practitioner approved by him that all danger from exposure to contact with such pupil has passed. 1 Edw. VII. c. 39, s. 80 (8); 7 Edw. VII. c. 51, s. 24. Infectious diseases among pupils.
- (i) To suspend any pupil guilty of persistent truancy, or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil, and the board, of such suspension, but the parent or guardian of any pupil suspended may appeal against the action of the teacher to the board which shall have power to remove, confirm or modify such suspension. 1 Edw. VII. c. 39, s. 80 (9). Disciplinary powers.

Refusal to give up key, etc.

83. A teacher who refuses to deliver to the board any visitors' book, school register, school-house key, or any other school property in his possession shall not be a qualified teacher until restitution is made, and he shall also forfeit any claim which he may have against the board. 1 Edw. VII. c. 39, s. 121 (2).

#### CHANGE OF AUTHORIZED TEXT-BOOKS.

Change of text-book.

84. An authorized text-book in actual use may be changed by the teacher for any other authorized text-book on the same subject with the written approval of the board and subject to the Regulations. 1 Edw. VII. c. 39, s. 97 (1).

#### AGREEMENTS.

Valid agreements with teachers.

85.—(1) Every agreement between a board and a teacher shall be in writing, signed by the parties thereto, and sealed with the seal of the board.

Qualified teacher defined.

(2) No person shall be employed or act as a teacher unless he holds a certificate of qualification.

Proportion of salary to which teacher entitled.

(3) Unless otherwise expressly agreed a teacher shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

Case of sickness.

(4) Every teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment, if the sickness is certified to by a physician, but that period may be extended at the pleasure of the board.

Protection of teachers in regard to salary.

(5) If at the expiration of a teacher's engagement his salary has not been paid in full, the salary shall continue to run at the rate mentioned in the agreement until paid, provided always that an action shall be commenced within three months after the salary is due and payable.

Provision in case of difference between teacher and trustees.

(6) All matters of difference between boards and teachers, in regard to salary or other remuneration, whatever may be the amount in dispute shall be determined in the Division Court of the division where the cause of action arose, subject to appeal, as provided by this Act. 1 Edw. VII., c. 39, s. 81.

When judge may relieve board from extra liability.

(7) If it appears to the Judge on the trial of an action for the recovery of a teacher's salary that there was reasonable ground for the board disputing its liability, and that it was willing and offered to pay to the teacher any sum not

so in dispute, the Judge may relieve the board from the liability imposed by subsection 5, in whole or in part. (*New.*)

#### TEACHERS' CERTIFICATES.

86.—(1) Subject to the Regulations any British subject, of good moral character and physically fit to perform the duties of a teacher and who passes the examination prescribed by the Regulations, may be awarded a certificate of qualification as a teacher according to the Regulations. Several classes of certificates.  
1 Edw. VII. c. 39, s. 82 (1, 2); 4 Edw. VII. c. 30, s. 8; 8 Edw. VII. c. 67, s. 12.

(2) Certificates granted before the fifteenth day of February, 1871, shall remain in force according to the terms of the Act under which they were granted. Former certificates continued.

(3) First-class certificates issued before the fifteenth day of February, 1871, and valid on the 24th day of March, 1874, shall be valid throughout Ontario during good conduct. First-class valid.

(4) Second-class certificates issued before the 15th day of February, 1871, and valid on the 24th day of March, 1874, shall, if the holders thereof have taught for ten years in Ontario, be valid during good conduct within the territory for which they were granted. Second-class valid.

(5) All other certificates shall be valid for such periods as the Regulations prescribe. Term of certificates generally.

(6) The inspector may suspend the certificate of any teacher in his inspectorate for inefficiency, misconduct, or a violation of this Act or of the Regulations or for wilful neglect or refusal to carry out his agreement with a board and he shall notify in writing the Minister, the board concerned, and the teacher, of such suspension and of the reasons therefor. Suspension of certificate for misconduct, etc.

(7) The teacher may appeal to the Minister, who may make such order or orders with regard to the suspension as he deems proper. 1 Edw. VII. c. 39, s. 82 (3, 4, 5, 6, 7, 8); 8 Edw. VII. c. 67, ss. 11 to 14. Meeting of county board, consideration of suspension.

#### TEACHERS' INSTITUTES.

87.—(1) Subject to the Regulations, the teachers in one or more inspectorates may organize themselves into a Teachers' Institute for the purpose of receiving instruction in methods of teaching and for discussing educational matters. Organization of teachers' institutes.

(2) The Minister may out of any moneys appropriated for that purpose apportion \$25 to each teachers' institute. Aid to teachers' institutes.

so organized and conducted according to the Regulations, and the council of each county, city, or separated town, or town in territory without county organization, shall pay annually to the president of each teachers' institute established within such county, city, or town, a sum at least equal to the amount so apportioned.

In the districts.

(3) In territory without county organization, the Minister may apportion \$50 to each teachers' institute where there is no city or town council liable for such contribution. 1 Edw. VII. c. 39, s. 85.

#### MUNICIPAL TREASURERS OF SCHOOL MONEYS.

Township treasurer to be sub-treasurer of county treasurer.

88.—(1) With respect to all moneys received by him from the county treasurer, a township treasurer shall be a sub-treasurer of the county treasurer, but the county council may by law constitute the county treasurer the sub-treasurer for municipalities not separated from the county.

Treasurers of cities and separated towns to receive grants.

(2) The treasurer of the school board of each city and separated town shall receive the government grants apportioned to the city or town and shall hold the same for school purposes subject to the order of the board.

Responsibility of treasurer and sureties.

(3) The treasurer and sub-treasurer and their sureties shall be accountable for school moneys to the county, city or town (as the case may be) and any bond or security given by a treasurer or sub-treasurer for duly accounting for and paying over moneys coming into their hands, shall apply to school moneys, and may be enforced against the treasurer or sub-treasurer or his sureties, in case of default on his or their part. 1 Edw. VII. c. 39, s. 79 (1 and 2).

#### DISTRIBUTION OF LEGISLATIVE GRANT.

County treasurer to pay legislative grant to township treasurers.

89.—(1) The treasurer of every county except where he acts as sub-treasurer also shall pay to the treasurer of every township within the county the legislative grant apportioned to the rural public and separate schools within the township.

Township treasurer's duties as to grants.

(2) The township treasurer shall pay to the boards of the rural public and separate schools within the township, the amount of the legislative grant apportioned to such schools respectively.

Where county treasurer is sub treasurer.

(3) Where the county treasurer acts as sub-treasurer also he shall perform the duty which is by subsection 2 to be performed by a township treasurer.

Statement to be sent with grant.

(4) A statement showing the amount of the legislative grant apportioned to the school shall be sent to every board by the sub-treasurer or the township treasurer as the case may be.

Payment on inspectors warrant.

(5) The payments to the boards under this section shall be made on the warrant of the proper inspector.

COUNTY

## COUNTY RATES.

90.—(1) The council of every county shall levy and collect by an equal rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum, at least equal to that part of the legislative grant which is apportioned by the Minister on the basis of the equipment and accommodations of the rural schools of the county, and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportions as such grant is apportioned.

County rate  
in aid of  
schools.

(2) The council of every county shall levy and collect an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities a sum at least equal to that part of the legislative grant which is apportioned to the schools in the municipality for fifth classes and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

County to raise  
equivalent to  
legislative  
grant for fifth  
classes.

(3) The county council of two or more counties united for municipal purposes may apportion the amount to be levied for public school purposes so that each county forming the union shall be liable only for sums payable in respect of public schools within such county. 6 Edw. VII. c. 53, s. 39 (11); 7 Edw. VII. c. 51, s. 19.

Apportionment  
of school  
moneys in  
united  
counties.

*Township Grants.*

91.—(1) Where according to the equalized assessments the assessed value of all the taxable property of the public school supporters in a township in a county is at least equal to an average assessment of \$30,000 for each section therein, the council of such township shall each year levy and collect by assessment upon the taxable property of the public school supporters of the whole township, not included in an urban municipality or annexed to an urban municipality for school purposes, the sum of \$300 at least for every public school where the teacher or principal teacher is engaged for two consecutive school terms, and a proportionate amount of such sum where a teacher or principal teacher is engaged for one school term or longer; and the additional sum of at least \$200 for every assistant teacher engaged for two consecutive school terms, and a proportionate amount of such sum for every assistant teacher engaged for one school term or longer.

Township  
grant in aid of  
schools.

(2) In a county where such assessed value is less than an average assessment of \$30,000 for each public school section in a township, and in a township in territory

Where assess-  
ment is less  
than \$30,000  
for each  
section.

without



without county organization whatever its assessment may be, the council of the township shall each year levy and collect as aforesaid the sum of \$150 at least for every school where a teacher or principal teacher is engaged for two consecutive school terms, and a proportionate amount of such sum where a teacher or principal teacher is engaged for one school term or longer; and an additional sum of at least \$100 for every assistant teacher engaged for two consecutive school terms, and a proportionate amount of such sum, where such assistant teacher is engaged for one school term or longer.

Application of township grant to teachers' salaries.

(3) The sums so levied and collected shall be applied exclusively to teachers' salaries. 7 Edw. VII. c. 51, s. 19.

Rates for teachers' salaries in union school sections.

(4) In the case of a union school section formed of parts of townships, the sums levied and collected from the rate-payers by township councils shall be levied and collected by the several councils out of the taxable property of the public school supporters of such union school section, each in the proportion which such taxable property within its jurisdiction bears to the taxable property of public school supporters in the whole union section. 6 Edw. VII. c. 53, s. 39 (7).

Township grants to union school sections.

(5) In the case of a union school section formed of parts of townships the sums mentioned in subsections 1 and 2 of this section, shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 29. 6 Edw. VII. c. 53, s. 39 (8); 7 Edw. VII. c. 51, s. 20.

Abatement of amounts proportionally.

92. Where part of the salary of a teacher in a rural school for any reason does not become payable or is withheld from him under the provisions of this Act, the sums payable respectively by the county, the township or townships, and the ratepayers and out of the legislative grant, on account of such salary, shall abate, in the proportions in which they were respectively liable for the whole. 6 Edw. VII. c. 53, s. 39 (9); 7 Edw. VII. c. 51, s. 21.

Amounts required to be raised to be paid over as required.

93. All moneys required to be levied and collected and applied to the salaries of teachers shall be paid to the treasurers of the respective boards from time to time as may be required by them. 6 Edw. VII. c. 53, s. 39 (10).

Consolidated schools.

94. Where two or more school sections are consolidated all the teachers in the consolidated school, for the purposes of sections 90 to 92, shall be deemed principal teachers unless



unless their number is greater than the number of sections consolidated, in which case the number of teachers in excess of the number of school sections, shall be deemed assistant teachers. 7 Edw. VII. c. 51, s. 22.

#### INSPECTORATES.

95.—(1) The Minister on or before the first day of January, 1910, shall determine the number of Inspectors to be appointed in every county, city or separated town, and thereafter whenever he deems it expedient, may direct the appointment of additional Inspectors in a county or city.

(2) Where more Inspectors than one are to be appointed for a county or for a city, the county council or the Board of Education or Board of Public School Trustees, as the case may be, shall define the limits of the inspectorate of each Inspector, or in the case of a city may assign such duties to each inspector as the Board may deem expedient.

(3) The councils of two or more adjacent counties may enter into an agreement for the appointment of an Inspector or Inspectors to act in such counties and the agreement shall fix the proportions in which the time of the Inspector shall be given to schools in each of such counties and the proportions in which the salary and travelling and other expenses of the Inspector shall be borne and paid by the counties respectively.

(4) The Board of Public School Trustees or the Board of Education of a city or separated town instead of appointing a separate Inspector may enter into an agreement with the council of the county in which such city or separated town is situate, that such city or town shall form part of a county inspectorate and the agreement shall fix the proportion of the time of the county Inspector in whose inspectorate the city or town is included, which shall be respectively given to the inspection of the rural and urban schools in his inspectorate and the proportions in which the salary and travelling and other expenses of the Inspector shall be borne and paid by the Board and the county respectively.

(5) The Minister may enter into an agreement with the council of a county, that the Inspector or one of the Inspectors of such county shall be Inspector for a district inspectorate and as to the proportion of the salary of such Inspector, which shall be payable by the county and the Province respectively.

(6)

Minister to  
define in-  
spectorate.

(6) The Minister on or before the first day of January, 1910, and annually thereafter, whenever he deems it necessary, shall fix the limits of every district inspectorate, and shall give notice by registered letter to the Secretary of every School Board in the territory without county organization of the inspectorate to which the school section or other division for which the Board is elected is assigned.

Urban  
inspectorate.

(7) Where a Board of Public School Trustees or a Board of Education appoints an urban Inspector, the city or separated town for which such appointment is made shall constitute an urban inspectorate.

Approval of  
municipal  
by-laws.

(8) Every by-law or resolution passed and every agreement entered into by a municipal council or Board under this section shall be subject to the approval of the Minister.

### *Appointment.*

Appointment  
of Inspector by  
county council.

96.—(1) The council of every county, by resolution passed at the first meeting held after being directed by the Minister to appoint an additional Inspector or after a vacancy in the office of County Inspector occurs, shall appoint an Inspector.

Vacancy in  
county.

(2) Where a vacancy occurs in the office of County Inspector the warden of the county may appoint some legally qualified person to fill the vacancy until the next ensuing meeting of the county council.

Appointment  
by urban  
board.

(3) An Urban Inspector shall be appointed by the Board by resolution passed at the first meeting held after being directed by the Minister to appoint an additional Inspector or after a vacancy occurs or at an adjournment thereof.

Resolution to  
be sent to  
Minister.

(4) The Clerk of the County or the Secretary of the Board, as the case may be, shall forthwith transmit a copy of the resolution, certified by the chairman, to the Minister, by registered post.

Appointment  
by Minister on  
default of  
county or  
board.

(5) Where a county council for one month after such meeting or where a Public School Board or Board of Education for one month after a vacancy occurs neglects to make an appointment, the same may be made by the Minister.

Ratification of  
appointment  
by Minister.

(6) Every appointment of a County or Urban Inspector shall be subject to ratification by the Minister and if not so ratified within one year thereafter, the engagement of the Inspector shall terminate at the end of that period and the Council or Board shall appoint another inspector as provided by this Act.

(7) District Inspectors shall be appointed by the Lieutenant-Governor upon the recommendation of the Minister and shall hold office during pleasure. Appointment of district inspector.

(8) Where more Inspectors than one are appointed in a county or city the County Council or the Board may, subject to the approval of the Minister, designate one of the Inspectors to be Senior Inspector and the Senior Inspector, in addition to the powers and duties of an Inspector, shall have such other powers and perform such other duties as the Minister may prescribe. Senior inspector.

*Removal, Suspension or Dismissal.*

97.—(1) On or before the first day of February, 1910, the Minister shall remove from office every Inspector whom, after due enquiry, he considers unsuitable for his office by reason of inefficiency or physical infirmity. Removal from office of inspectors by Minister.

(2) An Inspector may be suspended or removed from office or his certificate may be cancelled by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity.

(3) The County Council or Board by which an Inspector is appointed may suspend the Inspector for neglect of duty, misconduct, inefficiency or physical infirmity. Removal by county council or board.

(4) The Clerk of the County or Secretary of the Board, as the case may be, shall forthwith report such suspension to the Minister in writing with a statement of the reasons therefor and the Minister may remove or confirm the suspension or may remove the Inspector from office or cancel his certificate and the decision of the Minister shall be final. Report to Minister.

(5) The Minister may give such direction as to the payment or forfeiture of the salary of the Inspector for the period of suspension as he may think just. Salary during suspension.

*Qualifications, etc.*

98.—(1) No person shall be appointed or act as an Inspector of Public Schools who has been removed from the office of Inspector by the Minister or who does not hold a certificate of qualification as prescribed by the Regulations. Qualification of inspectors.

(2) An Inspector, who, during his tenure of office, holds any other office or employment or follows any other profession or calling, except the performance of such special duties as the Minister may require, without the approval of the Minister and of the county council of the county or of

of the Board of the city or town in which his inspectorate lies shall forfeit his office as Inspector, but this section shall not apply to any person who is a member of the Assembly at the time of the passing of this Act.

Duties of Inspectors.

**99.**—(1) Subject to the Regulations it shall be the duty of every Public School Inspector,

- (a) To visit in every year each school room in his inspectorate having a separate register as often and for such length of time on each occasion as the Minister may direct;
- (b) To prepare a report of every such visit in the form prescribed by the Regulations;
- (c) To forward within one month after such visit a copy of every such report to the board within whose jurisdiction the school is situate;
- (d) To make a general annual report as to the performance of his duties and the condition of the schools in his inspectorate to the county council and to the board of every city or separated town included in his inspectorate or in the case of an Urban Inspector, to the board of the city or town only;
- (e) To report to the Medical Health Officer of the municipality any case in which the school buildings or premises are found to be in an unsanitary condition;
- (f) To furnish the Minister with information respecting any Public School in his inspectorate whenever required so to do;
- (g) To withhold his order for the amount apportioned from the Legislative or municipal grant;
  - (i.) Where any school has been kept open for less than six months in the year except where that has been caused by the school having been closed by order of the Medical Health Officer or Local or Provincial Board of Health on account of the prevalence of any communicable disease;
  - (ii.) Where the Board fails to transmit promptly the annual or other school returns properly filled up;
  - (iii.) Where the Board fails to comply with this Act or with the Regulations; or
  - (iv.)

(iv.) Where the teacher uses or permits to be used as a text-book any book not authorized by the Regulations;  
and in every case to report to the Board and to the Minister his reasons for so doing;

(h) To discharge such other duties as may be required by the Minister or Regulations;

(i) On retiring from office to deliver to his successor his official correspondence and all school papers in his custody, on the order of the Minister or of the council of the county in which his inspectorate lies, or of the Board by which he was appointed.

(2) Every Inspector shall be directly responsible to the Minister for the due performance of his duties and subject to the Regulations, shall obey the direction of the County Council in the case of a County Inspector and of the Board in the case of an Urban Inspector.

(3) Where an Inspector requires the testimony of a witness as to any fact alleged in any complaint or appeal made to him or to the Minister he may administer an oath to the witness.

### *Salaries.*

100.—(1) Every County Inspector appointed after the first day of January, 1910, shall receive a salary for the first year of his employment of \$1,500, and for the second year \$1,600, and for the third and every subsequent year \$1,700.

(2) Every County Inspector who is in office on the 31st day of December, 1909, and who is retained in office thereafter shall be paid a salary of \$1,700 per annum.

(3) One-half of the salary of every County Inspector shall be paid by the Treasurer of Ontario out of the moneys appropriated for that purpose and one-half by the County Council.

(4) The salaries of County Inspectors shall be paid monthly by the treasurers of the counties and by the Minister directly to the Inspectors.

(5) The County Council shall also pay to the County Inspector his reasonable expenses for travelling, printing, postage and stationery and in case of dispute the amount thereof shall be settled by the Judge of the County Court upon the application of the Inspector or of the council and the decision of the Judge shall be final.

(6)

Salaries of  
urban  
inspectors.

(6) The salary of an urban Inspector shall be fixed by the Board of Public School Trustees or Board of Education, of the city or town, and shall be payable by the Treasurer of the Board.

Contribution  
from Province.

(7) Out of such moneys as may be appropriated for that purpose, the Treasurer of Ontario shall annually pay in the month of December to the Board of the city or separated town the sum of \$5 for every teacher occupying a separate room with a separate register and the amount so paid shall be applied towards the payment of the salary of the Inspector.

District  
inspectors.

(8) The salaries and travelling and other expenses of District Inspectors shall be fixed by the Minister, and shall be paid by the Treasurer of Ontario out of any moneys appropriated for that purpose, at such times and in such manner as the Minister may direct.

#### ALLOWANCE TO ARBITRATORS AND INSPECTORS.

Arbitrators to  
award costs.

**101.** Arbitrators in making their award, shall, among other things, determine the liabilities of the parties concerned for the costs of the arbitration, and such determination shall be final and conclusive. 1 Edw. VII. c. 39, s. 88.

Allowance to  
arbitrators.

**102.** Every person other than an inspector engaged as arbitrator on any matter arising under this Act shall be paid \$4 a day and travelling expenses. 1 Edw. VII. c. 39, s. 89.

Allowances to  
inspectors.

**103.—(1)** An inspector while engaged in conducting an investigation for the purposes of subsection 10 of section 54 shall be paid the sum of \$4 a day and travelling expenses by the treasurer of the county.

Section not to  
be in force  
after 1st  
February, 1910.

(2) This section shall not apply after the 1st day of February, 1910.

#### APPEALS FROM DIVISION COURT DECISIONS.

Appeals from  
Division Court  
judgment.

**104.—(1)** In an action between a teacher and a board under this Act, the Judge of the Division Court in which the action is tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal.

Appeal by  
minister.

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the Judge to a Divisional Court of the High Court, by serving notice

notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal may be entitled "The Minister of Education for Ontario, Appellant, in the matter between (*naming the parties*)."

1 Edw. VII. c. 39, s. 98 (1, 2).

(3) The Judge shall thereupon transmit to the Central Office of the High Court at Toronto, certified under his hand the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections.

Judges to send papers to High Court.

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined.

1 Edw. VII. c. 39, s. 98 (3); 6 Edw. VII. c. 53, s. 54.

No further proceedings to be taken after notice of appeal.

(5) The Divisional Court shall give such order or direction to the court below, touching the judgment to be given as the circumstances require, and upon receipt of such order or direction, the Judge shall proceed in accordance therewith.

1 Edw. VII. c. 39, s. 98 (4); 6 Edw. VII. c. 53, s. 55.

Order of Court. Proceedings in division court when appeal decided.

(6) The Divisional Court may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken, which shall be certified to and form part of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister, and charged as contingent expenses of his office.

1 Edw. VII. c. 39, s. 98 (5).

Costs.

(7) Notwithstanding anything herein contained any party to an action in which the plaintiff claims more than \$100 shall have the same right of appeal as in an action in the Division Court.

#### SUPERANNUATION.

105. Every teacher and inspector whose name was, on the 30th day of March, 1886, entered as having contributed to the fund for superannuated teachers, may continue to contribute to such fund in such manner as may be prescribed by the Regulations, the sum of at least \$4 annually, but no payment of arrears which accrued before the 1st day of January, 1885, shall be allowed.

1 Edw. VII. c. 39, s. 91.

Superannuation fund.

106. On the death of a teacher or inspector, the wife, husband, or legal representative of such teacher or inspector, shall be entitled to receive the amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent. per annum.

1 Edw. VII. c. 39, s. 92.

Repayment to wife, etc., of deceased teacher.



Right of  
teacher to re-  
tire on reach-  
ing sixty years  
of age.

107.—(1) Every teacher and inspector who, while engaged in his profession, has contributed to the superannuated teachers' fund as provided by this Act, shall on reaching the age of sixty years, if he retires from the profession, receive an annual allowance at the rate of \$6 per annum for every year of service in Ontario, upon furnishing evidence of good moral character, age and length of service.

After thirty  
years of  
service.

(2) A teacher or inspector who has reached the age of sixty years shall not be disqualified for superannuation by reason of his having retired from active service before reaching that age if he has served for a period of thirty years. 1 Edw. VII. c. 39, s. 92.

Teacher under  
sixty.

(3) Every teacher and inspector under sixty years of age who has so contributed and who is disabled from practising his profession shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character, and disability.

\$1 per annum  
extra to cer-  
tain teachers.

(4) Every superannuated teacher and inspector who holds a first or second class provincial certificate, or a first-class county board certificate, and every principal of a high school or collegiate institute shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate or while he acted as principal of a high school or collegiate institute.

Proviso in  
regard to  
good moral  
character.

(5) The retiring allowance shall cease at the close of the year in which the death of the recipient takes place.

Teacher  
resuming  
profession.

(6) If a superannuated teacher or inspector, with the consent of the Minister, resumes the profession of a teacher or inspector, his allowance shall be suspended during the time he is so engaged, and if he is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act and the Regulations.

Again  
retiring.

Forfeiture of  
claims.

(7) A teacher or inspector who, having resumed his profession, wilfully draws or continues to draw upon the superannuation fund, shall forfeit all claim to the fund, and his name shall be struck off the superannuation list.

Repayment to  
contributors.

(8) A teacher or inspector who retires from the profession, or who desires to remove his name from the list of contributors to the superannuation fund, shall be entitled to receive back one-half of any sum contributed by him to the fund.

Teachers not  
availing them-  
selves of Act.

(9) Where a teacher or inspector does not avail himself of the provisions of section 103 or of subsection 8 of this section, the provisions of sections 103 to 105 shall apply so far as relates to all sums already paid by him into the superannuation fund. 1 Edw. VII. c. 39, s. 93.



108. Subject to the Regulations, the public school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and may make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein and may make a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules. 4 Edw. VII. c. 30, s. 14.

Grant to superannuation fund by board.

109. Where a teacher, inspector, or officer of a board whose time is entirely devoted to the work of the board retires, having reached the age of 60 years, or after having been for 20 years in the service of the board, the board, in the case of a teacher, city inspector or other officer, and the county council in the case of a county inspector, may grant him an annual allowance not exceeding the salary which he was receiving at the time of retirement, or may make a grant to him by way of gratuity of a sum not exceeding the present value of such annual allowance computed on the basis of interest at the rate of four per centum per annum. 8 Edw. VII. c. 33, s. 54.

Retiring allowance to teachers, officers and inspectors.

#### INSTRUCTION IN AGRICULTURE, MANUAL TRAINING AND HOUSEHOLD SCIENCE.

110.—(1) The council of a township may engage the services of a person holding the degree of Bachelor of Science of Agriculture or other certificate of qualification from the Ontario Agricultural College and approved of by the certificate of the Minister or of an instructor qualified as required by the Regulations, to give instruction in agriculture, manual training and household science in the public schools of the municipality, and the council may levy and collect from the ratepayers of such municipality who are public school supporters, such sums as may be necessary to pay the salaries of such instructors, and all other expenses connected therewith.

Engagement of instructor in agriculture by township council.

(2) The courses of instruction shall be those prescribed by the Regulations. 1 Edw. VII. c. 39, s. 9 (1).

Course of instruction.

(3) The board of a rural school section or of a union school section or a number of such boards may severally or jointly engage the services of any person qualified as provided in subsection 1 for the purpose of giving similar instruction to the pupils of their respective schools. 1 Edw. VII. c. 39, s. 9 (2); 6 Edw. VII. c. 53, s. 6.

Engagement by board.

(4) The courses of instruction in agriculture, manual training and household science shall, as far as practicable, be open to all residents of the school section or municipality. 1 Edw. VII. c. 39, s. 9 (3).

Course in agriculture to be open to all residents.

## MANUAL TRAINING AND DOMESTIC SCIENCE CLASSES.

Manual training and domestic science classes.

**111.**—(1) The high school board, the public school board and the separate school board, or the board of education and the separate school board or any of such boards in a city, town or village may enter into agreements with one another for the formation and carrying on of classes for instruction in agriculture, manual training and household science in connection with the work of the schools under the management of such boards, and for providing suitable buildings, apparatus and appliances for carrying on such classes, and the appointment of teachers therefor, and the proportion in which the cost thereof is to be borne by each board.

May appoint committee to manage.

(2) The boards may delegate the management and control of such classes and the buildings, apparatus and appliances used in connection therewith, to such committee or committees as they may see fit, composed of members of such boards or of one or more of them, and such committees may if the cost thereof has been included in the estimate mentioned in subsection 4, procure from time to time such buildings, apparatus, appliances and material as may be deemed necessary for carrying on such classes, and may engage teachers therefor.

Duration of office.

(3) The members of any such committee shall hold office during the pleasure of the board by which they are appointed.

Estimates.

(4) The committees shall annually, on or before the first day of February, furnish to each board an estimate of the amount required for carrying on such classes during the then current year, and the boards shall include in the estimates to be furnished to the council of the city or town the proportion of the amount so required, which is to be provided by the board, and the same shall be included in the school rates of the municipality and levied and collected therewith. 2 Edw. VII. c. 40, s. 5.

## PENALTIES AND PROHIBITIONS.

Substitution of unauthorized text-books.

**112.** If a teacher negligently or wilfully permits an unauthorized book to be used as a text-book by the pupils of his school the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book or any less sum at its discretion. 1 Edw. VII. c. 39, s. 97 (2).

False declaration as to right to vote

**113.** Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees shall incur a penalty of not less than \$5 and not more

more than \$10. 1 Edw. VII. c. 39, s. 101; 6 Edw. VII. c. 53, s. 56.

114. A trustee who refuses to serve after being duly elected shall incur a penalty of \$5 and a person elected as a trustee who, as such, attends any meeting of the board after becoming disqualified, shall incur a penalty of \$20 for every meeting so attended. 1 Edw. VII. c. 39, s. 102.

Disqualified persons acting as trustees.

115. Every person elected as trustee who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall incur a penalty not exceeding \$20. 1 Edw. VII. c. 39, s. 109.

Penalty for refusal to perform duties.

116. A trustee shall not be eligible for appointment as public school inspector or teacher, nor shall the teacher of a high, public or separate school hold the office of public school trustee, nor shall an inspector be a teacher or trustee of a high, public or separate school while he holds the office of inspector. 1 Edw. VII. c. 39, s. 103.

Trustees not to hold certain offices.

117. If a trustee is convicted of any indictable offence, or becomes insane, or without being authorized by resolution entered upon the minutes absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the municipality or school section for which he is a trustee, he shall *ipso facto* vacate his seat, and, subject to the provisions of subsection 2 of section 63, the remaining trustee or trustees shall declare his seat vacant, and forthwith order a new election. 1 Edw. VII. c. 39, s. 104; 6 Edw. VII. c. 53, s. 57.

Seat vacated by conviction for crime, etc.

118.—(1) A trustee shall not enter into any contract, agreement, engagement or promise, either in his own name, or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty, on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat.

Seat vacated by interest in contract with corporation.

(2) On the complaint of two ratepayers of the municipality or section or of the remaining trustee or trustees, the Judge of the County or District Court shall, on proof of the facts, declare the seat vacant, and subject to the provisions of subsection 2 of section 63, the remaining trustee or trustees shall forthwith order a new election.

(3) Nothing in this section shall prevent a trustee receiving payment as provided by section 37 or prevent the board

board of a rural section from allowing the secretary or treasurer such compensation for his services, as may be approved at the annual meeting of the ratepayers and duly entered in the minutes. 1 Edw. VII. c. 39, s. 105; 6 Edw. VII. c. 53, s. 58.

Newspaper proprietors inserting official advertisements not disqualified from sitting on boards, etc.

**119.** No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business, if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. 1 Edw. VII. c. 39, s. 106; 6 Edw. VII. c. 53, s. 59.

Penalty for disturbing a school or school meeting.

**120.** Any person who wilfully interrupts, or disquiets the proceedings of a school meeting, or a public school, by rude or indecent behaviour, or by making a noise either within the place where such meeting is held or such school is kept, or so near thereto as to interfere with the proceedings of the meeting or order of exercises of the school, shall, for each offence incur a penalty not exceeding \$20. 1 Edw. VII. c. 39, s. 108.

Penalty for chairman neglecting to report to inspector.

**121.** A chairman who neglects to transmit to the inspector a minute of the proceedings of any annual or other rural school meeting over which he has presided, within ten days after the holding of such meeting shall incur a penalty not exceeding \$5. 1 Edw. VII. c. 39, c. 111.

Liability for neglect to take security.

**122.** If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school moneys and any school moneys are forfeited or lost to the municipality, section or board in consequence of such refusal or neglect, every member of the board shall be personally liable for such moneys, and the same may be recovered by the board or any ratepayer interested therein, suing on behalf of himself and all ratepayers of the municipality or section interested in any Court of competent jurisdiction; but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. (*See Consolidated Municipal Act, 1903, s. 418 (5).*)

Secretary-treasurer, or trustee to deliver up books and moneys.

**123.** A secretary or a treasurer, and a person having been such secretary or treasurer, and a trustee or other person who has in his possession any book, paper, chattel, or money, which came into his possession as such secretary, treasurer, trustee or otherwise, shall not wrongfully withhold, or neglect or refuse to deliver up, or account for, and pay over the same or any part thereof to the person and in the

the manner directed by the board, or by other competent authority. 1 Edw. VII. c. 39, s. 114.

124.—(1) Upon application to the Judge of the County or District Court, by the board, or by two ratepayers supported by affidavit showing such wrongful withholding or refusal, the Judge may summon such secretary, treasurer, trustee, or person, to appear before him at a time and place appointed by him. 1 Edw. VII. c. 39, s. 115 (1). Mode of proceeding.

(2) Any bailiff of a Division Court, upon being requested so to do shall serve the summons, or a true copy thereof, on the person complained against personally, or by leaving the same with a grown-up person at his residence. 1 Edw. VII. c. 39, s. 115 (2); 6 Edw. VII. c. 53, s. 61 (1). Service of summons.

(3) At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded, the Judge shall order the person complained against to deliver up, account for, and pay over such book, paper, chattel, or money, by a day to be named by the Judge in the order. together with such reasonable costs incurred in making the application as the Judge may allow. 1 Edw. VII. c. 39, s. 115 (3); 6 Edw. VII. c. 53, s. 61 (2). Judge to issue order.

(4) In the event of non-compliance with the order, the Judge may order the person complained against to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of the county in which he resides, there to remain without bail until the Judge is satisfied that he has delivered up, accounted for, or paid over the book, paper, chattel or money, in the manner directed by the board, or other competent authority. Effects of non-compliance with judge's order.

(5) Upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly. Discharge on compliance with order.

(6) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the Judge may order his discharge on such terms or conditions as he may deem just. 1 Edw. VII. c. 39, s. 115 (4); 6 Edw. VII. c. 53, s. 61 (3). Discharge on terms.

(7) Such proceedings shall not impair or affect any other remedy which the board, or any other person, may have against the person complained against, or against any other person. 1 Edw. VII. c. 39, s. 115 (5). Other remedy not affected

Penalties on trustees refusing information, etc., to auditor.

125. It shall be the duty of the board and of the secretary and the treasurer to furnish the auditors with any papers or information in their or his power which may be required of them or him relating to the school accounts, and any member of the board or a secretary or treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. 1 Edw. VII. c. 39, s. 116; 6 Edw. VII. c. 53, s. 62.

Penalty for neglect to send half-yearly returns.

126. If the board of a rural school section neglects to transmit to the inspector, in accordance with the Regulations a correct and verified statement of the attendance of pupils in each of the schools under its charge during the twelve months then immediately preceding, the section shall not be entitled to its share of the legislative grant for such twelve months, and every member of the board so neglecting shall be personally responsible for the amount of the loss of such share. 1 Edw. VII. c. 39, s. 117.

Penalty for delaying yearly reports

127. If the board of any school section neglects to prepare and forward such annual statement to their county inspector by the 15th day of January in every year, each of them shall, for every week thereafter until such statement has been prepared and presented, shall incur a penalty not exceeding \$5. 1 Edw. VII. c. 39, s. 118.

Penalty for false school reports and registers.

128. If a trustee knowingly signs a false report, or if a teacher keeps a false school register, or makes a false return, he shall, for every offence incur a penalty not exceeding \$20. 1 Edw. VII. c. 39, s. 119.

Clerk neglecting or refusing to perform duties.

129. If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglects for one month to make any return required by this Act, he shall incur a penalty not exceeding \$10. 1 Edw. VII. c. 39, s. 100.

Penalty for not calling school meetings.

130. If an annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall incur a penalty of \$5. 1 Edw. VII. c. 39, s. 107.

*N.B.—A Trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and anyone employing or paying him to act as agent or otherwise, are liable to the penalties imposed by The Department of Education Act. See 9 Edw. VII. c. 88, s. 28.*

Penalties for not maintaining school as required by Act.

131. Where a board makes default in maintaining a public school during the whole school year or such part thereof as this Act requires every member of the board shall incur a penalty of \$5 for every week during which such default continues, unless he proves that he did everything in his power to prevent such default.

## HOW FINES AND PENALTIES MAY BE RECOVERED.

**132.** The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*, and shall be applied to such school purposes as the Minister may direct.

How penalties  
under this Act  
shall be  
recoverable.

## REPEAL.

**133.** *The Public Schools Act*, except section 31, and all amendments thereto, except section 19 of the Act passed in the 8th year of His Majesty's reign, chaptered 67, are hereby repealed.

Repeal.

## CHAPTER 90.

## An Act respecting Continuation Schools.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

APPLICATION OF PARTS OF ACT,  
s. 3.

## PART I.

ESTABLISHMENT OF CONTINUA-  
TION SCHOOLS BY PUBLIC  
SCHOOL BOARDS, s. 4.

## PART II.

ESTABLISHMENT OF CONTINUATION  
SCHOOLS BY COUNTY COUN-  
CILS, s. 5.

Board of trustees, s. 6.

Rates for maintenance, s. 7.

Fees, s. 8.

## PART III.

CONTINUATION SCHOOLS NOT TO  
BE ESTABLISHED WHERE THERE  
ARE HIGH SCHOOLS, s. 9.  
County Grant, s. 10.  
Admission of pupils, s. 11.  
Qualification of teachers, s. 12.  
Courses of study, s. 13.

HIS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

## PRELIMINARY.

Short title. 1. This Act may be cited as "*The Continuation Schools Act.*"

Interpretation. 2. In this Act,—

"Minister." (a) "Minister" shall mean the Minister of Education.

"Regulations." (b) "Regulations" shall mean regulations made under  
the authority of *The Department of Education Act.*

Application of Part I. 3.—(1) Part I. shall apply to all Continuation Schools heretofore established under *The Public Schools Act*, and in operation at the time of the passing of this Act and to Continuation Schools hereafter established under this Act, except those established by county councils as provided in Part II.

Part II. (2) Part II. shall apply to Continuation Schools hereafter established by county councils as provided in this Act.

Part III. (3) Part III. shall apply to all Continuation Schools to which Parts I. and II. apply.

## PART I.

Establishment of schools by public school boards.

4.—(1) Subject to the Regulations, the Public School Board of any municipality or school section may establish and maintain a Continuation School in connection with any Public School under its control.

(2)



(2) The Board shall have in respect of such Continuation School all the powers conferred on Public School Boards, as to acquiring a school site, erecting buildings and additions to existing buildings and providing equipment for such Continuation Schools.

(3) Agreements may be entered into by two or more Public School Boards or by one or more of such Boards and one or more Separate School Boards for the establishment and maintenance of a Continuation School to be conducted in one of the Public or Separate Schools under their control or in some other place agreed upon by the Boards for the benefit of the pupils of all of such schools, and any such agreement shall specify the proportion of the cost of the establishment and maintenance of the Continuation School to be paid by each of such Boards or shall provide for the manner in which such proportion shall be determined.

Agreements  
among boards.

(4) Where Boards for sections or municipalities situate in different counties of a union of counties have entered into an agreement for establishing and maintaining a Continuation School the council of the united counties may determine the proportion to be paid by each of such counties.

Where boards  
agreeing are in  
different  
counties of the  
union.

(5) Where the Board of a union school section establishes a Continuation School or enters into an agreement with any other Board for the establishment of the same the council of each municipality included or part of which is included in the union school section shall levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining such Continuation School according to the equalized assessment under *The Public Schools Act* of the part of the union school section comprised in the municipality.

Apportionment  
of cost in union  
school sections

(6) For the purposes of subsections 1 and 2 of section 91 of *The Public Schools Act* a Continuation School shall be deemed a Public School.

Township  
grant towards  
salary of  
teacher.

(7) All non-resident pupils and resident pupils who have completed the course of study prescribed for the fifth form of Public Schools may be charged such fees as the board or boards may deem expedient, but such fees shall be uniform for residents and non-residents and shall not exceed \$1 a month for each pupil.

Fees.

## PART II.

5.—(1) Subject to the provisions of section 9, the council of a county with the approval of the Minister may establish in any township, town or village in the county one or more Continuation Schools, each of which shall have a staff of at least two teachers engaged for their whole time.

Establishment  
by county  
council.

(2)

Attaching part  
of township to  
village or  
town.

(2) Where a Continuation School is established in a village or town the county council may attach to the village or town for the purposes of this section any portion of a township contiguous thereto.

Urban district.

(3) A village or town in which a Continuation School is established with the territory, (if any), so attached shall constitute an Urban Continuation School District.

Rural district.

(4) Where the school is established in a township, the township, except such part thereof as is included in an Urban Continuation School District shall constitute a Rural Continuation School District.

In provisional  
judicial  
districts.

(5) The council of a municipality in territory without county organization, may, with the approval of the Minister, establish a Continuation School and the amount which would be contributed by the county if such school had been established by a county council towards the establishment and maintenance of the school or the maintenance of non-resident pupils attending the same shall be paid by the Treasurer of Ontario on the certificate of the Minister out of any moneys appropriated for that purpose.

Board of  
trustees.

6.—(1) The control and management of all Continuation Schools in a Continuation School District shall be vested in one Board of Trustees to be composed as follows:—

- (a) Three trustees to be appointed by the council of the township or other municipality in which the school is situate;
- (b) Where an Urban Continuation School District includes a part of a township one additional trustee appointed by the township council;
- (c) Three trustees to be appointed by the county council, and
- (d) If there is a Separate School in a Rural Continuation School District, one trustee to be appointed by the county council from among the persons assessed as Separate School supporters in the township, or
- (e) If there is a Separate School in an Urban Continuation School District, one trustee to be appointed by the Separate School Board; or
- (f) If there is a Separate School in territory without county organization, one trustee to be appointed by the council from among the persons assessed as Separate School supporters in the municipality.

(2) Every such Board shall be a corporation by the name of "The <sup>Corporate name.</sup> Continuation School Board," inserting the name of the municipality in which the school is situate.

(3) Except as otherwise provided by this Act the provisions of *The High Schools Act*, with respect to the qualification, appointment and tenure of office, and, subject to the Regulations, the provisions of the said Act, as to the powers and duties of High School Boards shall, *mutatis mutandis*, apply to Continuation School Boards. <sup>Application of provisions as to High School Boards.</sup>

7.—(1) The council of a township, village or town in which a Continuation School is established shall levy and collect in each year such amount as the Board may deem necessary for the maintenance of the school over and above what is received from the county council and other sources and a further sum not exceeding \$500 in any one year for permanent improvements. <sup>Rates for maintenance.</sup>

(2) Where a part of a township has been attached to a town or village under the provisions of this Part the township council shall levy and collect in that part of the township such proportion of the amount required by the Board as the value of the property so liable bears to the value of all the property included in the district according to the equalized assessment of the year. <sup>When part of township in urban section.</sup>

(3) Where the sum required by the Board for permanent improvements exceeds \$500 the same shall be raised on the application of the Board in the same manner as is provided with respect to High Schools by section 38 of *The High Schools Act*. <sup>Where amount required for permanent improvements exceeds \$500. 9 Edw. VII., c. 91.</sup>

(4) Where the cost of maintenance of county pupils at a Continuation School exceeds the amount apportioned by the Minister and the fees received from county pupils, the county shall in lieu of the equivalent of the amount apportioned out of the Legislative grant, pay to the Continuation School Board a sum to be ascertained in the same manner as is provided with respect to High Schools by section 34 of *The High Schools Act*. <sup>County contribution in lieu of equivalent of legislative grant. 9 Edw. VII., c. 91.</sup>

8. A Continuation School Board may charge such fees as it deems proper, but such fees shall not exceed \$1 a month for each pupil, and shall be uniform for all classes of pupils. <sup>Fees</sup>

### PART III.

9. A Continuation School shall not be established or maintained in a High School District. <sup>Schools not to be established where there are High Schools.</sup>

County grant.

10.—(1) Subject to the provisions of subsection 4 of section 7, the council of the county in which a Continuation School is situate shall pay towards the maintenance of such school a sum equal to the amount apportioned to the school by the Minister out of the Legislative grant, and the county council may contribute such further sum as it may deem expedient.

Apportionment  
between united  
counties.

(2) The council of united counties may apportion the amount to be levied for Continuation Schools so that each county in the union shall be liable only for sums payable in respect to Continuation Schools situate therein.

Grant from  
county for  
agricultural  
department.

(3) Where an Agricultural Department is established by the Minister in a Continuation School, the council of the county in which the Continuation School is situated, shall on or before the 15th day of December in each year pay to the board of the school in which such department is established the sum of \$500 which shall be applied by the board to the purposes of such department.

Admission  
of pupils.

11. Pupils whether resident or non-resident may be admitted to a Continuation School in accordance with the Regulations governing the admission of pupils to High Schools or on the report of the principal approved by the Public School Inspector.

Qualification  
of teachers.

12. Every teacher appointed as principal or assistant in a Continuation School shall possess such qualifications as may be prescribed by the Regulations.

Courses of  
study.

13. The courses of study in Continuation Schools shall be such as are prescribed by the Regulations.

## CHAPTER 91.

## An Act respecting High Schools and Collegiate Institutes.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.	COLLECTION OF RATES, s. 37.
INTERPRETATION, s. 2.	GRANTS FOR PERMANENT IMPROVEMENTS, ss. 38-41.
HIGH SCHOOL CORPORATIONS, s. 3.	FEEs, ss. 42, 43.
HIGH SCHOOL DISTRICTS, ss. 4-6.	ENTRANCE EXAMINATIONS, ss. 44-47.
NEW HIGH SCHOOLS, ss. 7, 8.	TEACHERS, ss. 48-50.
COURSES OF STUDY, ss. 9-11.	Qualifications, etc., s. 48.
TRUSTEES, ss. 12-20.	Agreements, s. 49.
Vacancies on board, s. 21.	Retiring allowances, s. 50.
Meetings of board, s. 22.	TERMS, s. 51.
Security of treasurer, etc., s. 23.	AUTHORIZED BOOKS, s. 52.
Duties of board, ss. 24-26.	PENALTIES AND PROHIBITIONS, ss. 53-65.
PROPERTY VESTED IN BOARDS, ss. 27, 28.	REPEAL, s. 66.
SCHOLARSHIPS, ss. 29-32.	
MUNICIPAL GRANTS FOR MAINTENANCE, ss. 33-36.	

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## GENERAL.

1. This Act may be cited as "*The High Schools Act.*" Short title.  
 1 Edw. VII., c. 40, s. 1.

2.—(1) In this Act—

*Interpretation.*

(a) "Board" shall mean a Board of High School Trustees. "Board."

(b) "County Judge" and "Judge" shall mean the senior Judge of the county or district court of the county or district in which the high school is or is to be situate, or if he is a member of the High School Board, or is unable to act, or is disqualified, shall mean the Junior Judge of the county or district Court, or if he is a member of the Board or is unable to act, or is disqualified, shall mean the Judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census; "County judge" or "judge."

(c) "County pupils" shall mean pupils who reside or whose parents or guardians reside in the county in which the high school attended by such pupils is situate, but not within the limits of the high school district, and shall not include pupils who are resident pupils as herein defined; "County pupils."

(d) "Department" shall mean Department of Education; "Department."

- "High School." (e) "High School" shall include a Collegiate Institute;
- "High School District." (f) "High School District" shall mean the municipalities and parts of municipalities over which a board has jurisdiction;
- "Maintenance." (g) "Maintenance" shall include ordinary repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance of the school property, salaries of the teachers, officers and servants of the board, the expense of conducting entrance examinations, and other expenses for ordinary school purposes and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the Regulations, and shall also include gratuities and retiring allowances granted to teachers;
- "Minister." (h) "Minister" shall mean Minister of Education;
- "Municipality." (i) "Municipality" shall include a city, town, village or township, but not a county;
- "Non-resident pupils." (j) "Non-resident pupils" shall mean pupils other than county pupils and resident pupils as herein defined;
- "Permanent improvements." (k) "Permanent improvements" shall include the purchase or rental of a residence for a teacher, or of a school site, the erection or rental of a school house, the enlargement of both or either of them, changing the system of heating or ventilation, the erection of fences, outhouses and gymnasium, the purchase of school furniture, maps and apparatus, library, and all other appliances required by the Regulations;
- "Regulations." (l) "Regulations" shall mean the Regulations made by the Minister under *The Department of Education Act*;
- "Resident pupils." (m) "Resident pupils" shall mean pupils whose usual place of abode is within the high school district, or who are assessed or whose parents or guardians are assessed within the district for an amount equal to the average assessment of the ratepayers therein;
- "Separated town." (n) "Separated town" shall include a town separated for municipal purposes from the county in which it is situate, and a town in territory without county organization. 1 Edw. VII., c. 40, s. 2.

(o) "Urban municipality" shall mean a city, town or village. "Urban Municipality."

(2) Where reference is made to the population of a municipality or other locality or to a number of inhabitants or ratepayers, the same shall be determined by the last enumeration by the assessor. References to population.

(3) The certificate of the Clerk of the municipality with respect to such population or number shall be final and conclusive. Certificate of clerk to be final.

#### HIGH SCHOOL CORPORATIONS.

3.—(1) The trustees of every high school district shall be a corporation by the name of "The High School Board of," or "The Collegiate Institute Board of," (as the case may be) adding the name of the municipality within which the high school or collegiate institute is situate. Trustees to be a corporation.

(2) The trustees of every high school district shall hold office until their successors are appointed and the new board is organized. 1 Edw. VII., c. 40, s. 3. To hold office until successors appointed.

#### HIGH SCHOOL DISTRICTS.

4. Whenever a high school district has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such district had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of such district and notice thereof has been given to the persons who ought, according to the practice of the court in which the proceedings are taken, to be served with notice thereof, and such proceedings shall result in its being determined that such district has not been legally formed. Existing high school districts confirmed.

5. The county council may, on the petition of any municipal council, detach the municipality or any part thereof from any district formed by by-law of the county council, but any change made in the boundaries of a district shall not relieve the taxable property of the district or any part thereof from the rates imposed for the payment of debentures or from any other debts incurred before such change. 1 Edw. VII., c. 40, s. 7. Lands not relieved from rates.

6.—(1) The council of any county on the petition of two-thirds of the ratepayers of any municipality or part thereof situate within such county and contiguous to any high school district or village, or to a town containing less than three thousand inhabitants in such county, may, by by-law, unite such municipality or part thereof to such district Unions of municipalities or portions thereof for high school purposes.

district, village or town, for high school purposes, and the union shall take effect on the first day of January next following the expiration of six months after the passing of the by-law.

Dissolution of Union.

(2) The county council on the petition of two-thirds of the ratepayers of any municipality or part thereof united to any such district, incorporated village or town, may, by by-law dissolve the union; but no such by-law shall come into operation until the first day of January next following the expiration of six months after the passing thereof nor relieve the municipality or any part thereof from any rates imposed for the payment of debentures nor from any other debts incurred while such union existed.

Assets of municipalities united vested in board of same.

(3) Where two municipalities become united, all the assets of the boards of both municipalities shall forthwith be vested in, and all the liabilities of such boards shall forthwith become liabilities of, the board of the united municipality.

#### NEW HIGH SCHOOLS.

Establishment and discontinuance of high schools.

7.—(1) On or before the first day of July in any year the council of a county may, with the approval of the Minister, pass by-laws for the establishment of a new high school district,

(a) for a municipality not separated from the county containing at least one thousand inhabitants and the council of any county may, in like manner, with the approval of the Lieutenant-Governor in Council, discontinue, at the end of the current calendar year, any high school district thereafter established;

Formation of districts in special cases.

(b) for two or more townships or parts of townships within such county, if there are at least three thousand inhabitants within the proposed district, and if at least two-thirds of the ratepayers of each of such townships or parts of townships petition for such high school district;

Establishing new high school districts in villages and towns.

(c) in a village in such county or in a town therein not separated from the county including within the proposed district the village or town and the whole or a part of any municipality or municipalities in such county contiguous to such village or town, provided that the whole of such proposed district contains at least three thousand inhabitants, and if two-thirds of the ratepayers in each municipality or part of a municipality to be included in such district sign a petition for such high school district.



(2) In the case provided for by clause (b) of subsection 1, the high school shall be located at such place as is named in the petition. Location of school.

8. The council of a city or separated town may, with the approval of the Minister, establish as many high schools in such city or separated town as it may deem expedient. In cities, and separated towns.  
1 Edw. VII., c. 40, s. 9.

#### COURSES OF STUDY.

9.—(1) The courses of study shall be those prescribed by the Regulations. Course of instruction in high schools.

(2) Any high school which complies with the Regulations with respect to collegiate institutes may be raised to the rank of a collegiate institute by the Minister. 1 Edw. VII., c. 40, s. 10. Collegiate institutes.

(3) The Lieutenant-Governor in Council may, upon the report of the Minister, reduce a collegiate institute to the rank of a high school. Reducing collegiate institutes.

10.—(1) A board may establish classes in military instruction, appoint a qualified drill instructor and provide uniforms for such classes. Military instruction.

(2) A board may annually vote a sum not exceeding \$150 for each high school within its jurisdiction for the encouragement of athletics and to defray the expenses of school games. 1 Edw. VII., c. 40, s. 11; 2 Edw. VII., c. 42, s. 5. Grants for athletics.

11. A high school board, a public school board and a continuation school board, or any one or more of such boards may engage the services of any person holding the degree of Bachelor of Science of Agriculture or other certificate of qualification from the Ontario Agricultural College and approved of by the Minister, to give instruction in agriculture to the pupils of their respective schools. Instructors in agriculture.

#### TRUSTEES.

12. Any ratepayer who is a British subject, has attained the age of 21 years and resides in the high school district and who is not a member or officer of a municipal council shall be qualified to be a high school trustee. Qualification of trustee.

13. Every high school board shall consist of at least six trustees. Number of high school trustees.

14.—(1) In the case of a high school situate in a municipality of the county not being a city or a separated town,   
three

Appointment  
of trustees.

three of such trustees shall be appointed by the county council, and additional trustees shall be appointed, as follows:—

- (a) Where the district comprises one municipality the council thereof shall appoint three additional trustees;
- (b) Where the district comprises two municipalities, each council shall appoint two additional trustees; and,
- (c) Where a district comprises more than two municipalities, each council shall appoint one additional trustee.

Part of a municipality may be deemed a municipality.

(2) A part of a municipality which is assessed for at least \$50,000 shall be deemed a municipality for the purposes of this section.

Annual retirement of trustees.

(3) One of the trustees appointed by the county council and one trustee appointed by each other council shall retire each year.

Where district composed of county.

15. Where a high school district comprises the whole of a county, the county council shall appoint six trustees, two of whom shall retire each year.

Trustees in cities and separated towns.

16.—(1) In a city and in a separated town the council shall appoint six trustees, and the trustees so appointed shall, with such additional trustees as are authorized by this Act, form the board.

Council to provide for annual retirement.

(2) The council shall provide for the annual retirement of two of the trustees appointed by them so as to secure a complete rotation every three years.

Admission of county pupils to city or town school.

17. Where the Board of a high school situate in a city or in a separated town, notifies the county clerk that the high school is open to county pupils on the same terms as high schools in municipalities not separated from the county, the county council may, from time to time, appoint three additional trustees for such high school so long as the school is open to county pupils on such terms, and such high school shall for all the purposes of this Act be considered a county high school.

Councils to provide for order of retirement of trustees.

18. The council which has the power and duty of appointing high school trustees shall provide for the order of their retirement.

Separate school board to appoint a trustee.

19. The board of separate school trustees of a city, town, or village in which a high school is situate, may appoint

to

to the board, one trustee who shall not be a member of the separate school board and who shall hold office for one year.

20. Except in the case of a board of education, the public school board of every urban municipality and the board of a union public school section which includes an urban municipality may appoint one trustee who is not a member of the public school board, to the high school board of such urban municipality, and he shall hold office for one year. 1 Edw. VII., c. 40, s. 13.

Appointment by public school trustees in urban municipalities

### *Vacancies on Board.*

21.—(1) Vacancies arising from the annual retirement of trustees shall be filled by the appointing body at its first meeting in each year after being organized.

Vacancies caused by annual retirement, how filled.

(2) Vacancies arising from death, resignation, removal from the high school district or county or otherwise, shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant.

Vacancies from other causes.

(3) Where a separated town is re-united to the county, the two trustees whose term of office shall first expire and one of the trustees whose term of office shall next expire, to be selected by lot, shall retire as soon as the county council has appointed three trustees, and the remaining three trustees together with three trustees to be appointed by the county council shall then constitute the board of the high school district. 1 Edw. VII., c. 40, s. 14.

Where separated town is re-united to county.

### MEETINGS OF BOARD.

22.—(1) The first meeting of the board in each year shall be held at the hour of seven o'clock in the evening of the first Wednesday in February or at such other hour of the same day as may have been determined by resolution of the former board.

First meeting of board.

(2) At the first meeting in each year of every board and whenever the office of chairman becomes vacant then at the first meeting of the board after the vacancy occurs the members shall elect one of their number to be chairman.

Election of chairman.

(3) The members of the board may also elect one of their number to be vice-chairman, and he shall preside in the absence of the chairman.

Vice-chairman.

(4) If at any meeting there is no chairman or vice-chairman present the members present may elect a chairman for that meeting.

Chairman pro tem.

Secretary and  
Treasurer.

(5) At the first meeting and as often as a vacancy occurs the board shall also elect a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board.

Secretary  
*pro tem.*

(6) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting.

Quorum.

(7) The presence of a majority of all the members constituting the board shall be necessary to form a quorum.

Secretary to  
preside at first  
meeting until  
chairman  
elected.

(8) The secretary or secretary-treasurer shall preside at the first meeting until the chairman is elected, or if there is no secretary or secretary-treasurer then such member of the board shall preside as may be elected for that purpose.

Equality of  
votes on the  
election of  
chairman.

(9) In case of an equality of votes at the election of chairman, the trustee who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

Chairman  
to vote.

(10) The presiding officer may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to have been negatived. 1 Edw. VII., c. 40, s. 15.

#### SECURITY OF TREASURER AND SECRETARY-TREASURER.

Security to be  
given by  
treasurer and  
secretary-  
treasurer.

**23.**—(1) Every treasurer and every secretary-treasurer shall give security for the due and faithful performance of his duties and shall submit his accounts to the auditors of the municipality in which the high school is situate.

Audit.

(2) It shall be the duty of the auditors to audit such accounts in the same way as the municipal treasurer's accounts are audited. 1 Edw. VII., c. 40, s. 39 (2).

#### DUTIES OF BOARD.

Duties of  
trustees.

**24.** It shall be the duty of every board, and it shall have power:—

Fix meetings  
of board.

(a) To fix the times and places for the meetings of the board, and the mode of calling and conducting them, and to see that a full and correct account is kept of the proceedings thereat;

Conduct of  
school.

(b) To see that the school is conducted according to this Act, and the Regulations;

Accommoda-  
tion for pupils.

(c) To provide adequate accommodation according to the Regulations for all pupils;

Charge of  
high school.

(d) To take charge of the school, to keep the school buildings and premises in proper repair, to  
provide

provide suitable furniture and equipment, and to protect the property of the board;

- (e) Subject to the provisions of this Act, to fix the amount to be paid by parents and guardians for each pupil attending the school, and the times of payment, and, when necessary, to enforce payment thereof; Collection of fees for tuition.
- (f) To take proper security from the treasurer or secretary-treasurer; Security of treasurer or secretary-treasurer.
- (g) To give the necessary orders upon the treasurer for the payment of gratuities or retiring allowances of teachers and the salaries of the teachers and other officers and servants of the board, and of such other expenses for promoting the interests of the school as may be authorized by the board; Orders for salaries and expenses.
- (h) To apply to the municipal council liable under this Act on or before the 1st day of August, or at such time before that day as may be required by the council, for such sums as the board may require for the maintenance of the school for the twelve months next following the date of such application, apart from fees from pupils, the appropriation from the Legislative grant, the contribution by the County Council and the revenue from other sources, and for such additional sum as may be deemed expedient for permanent improvements for the same period not exceeding five hundred dollars; Applications to councils, how made.
- (i) To expel, on the report of the principal, any pupil whose conduct may be deemed injurious to the welfare of the school, and to exclude any pupil whose parents or guardians neglect or refuse to pay the fees of such pupil after reasonable notice; Expulsion of pupils.
- (j) To appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their duties; Appointment and removal of teachers.
- (k) To certify to the treasurer of the county on or before the 1st day of August in each year, the amount of fees collected from county pupils for the next preceding calendar year; Certify fees received.
- (l) To prepare and transmit on or before the 15th day of January in each year to the Minister the annual report, in accordance with forms provided by the Department. 1 Edw. VII., c. 40, s. 16. Annual report to Minister.

Trustees may purchase books and supplies.

## 25. The Board may—

May furnish same fees or collect fees free for the use thereof.

(a) Purchase for the use of pupils text books and other school supplies, and either furnish the same to them free of charge or collect for the use thereof from such pupils or their parents or guardians a sum not exceeding twenty-five cents per month for each pupil to defray the cost thereof. 4 Edw. VII., c. 31, s. 1.

Penny Savings Bank.

(b) Provide books, stationery and other materials necessary in connection with the establishment and maintenance of a Penny Savings Bank, or any system introduced for the encouragement of thrift and the habit of saving. 8 Edw. VII., c. 33, s. 55.

Supervising principal in urban municipality.

26. Where there are more high schools than one in an urban municipality, the board may appoint a supervising principal, having the qualifications of a high school principal, who, subject to the Regulations, shall perform such duties in connection with the high schools as may be assigned to him by the board.

### PROPERTY VESTED IN BOARDS.

High school property vested in trustees.

27.—(1) All property heretofore granted or devised to, acquired by or vested in any person or corporation, for the high school purposes of any locality, or which may hereafter be so granted, devised, acquired or vested shall be vested in the board having jurisdiction in such locality.

Power to sell or convey, etc.

(2) The board shall have full power to sell, convey, transfer, or lease such property, or any part thereof, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes. 1 Edw. VII., c. 40, s. 31, *part*.

High school trustees may sell site.

28. A board, with the approval of the municipal council or of a majority of the municipal councils having jurisdiction within the high school district, and of the Minister, may sell, and transfer any site, or other property vested in the board, and after making provision for all debts and liabilities of the board, may apply the residue of the proceeds to any purpose that may be approved by the Minister, and thereupon the Lieutenant-Governor in Council may, by proclamation, declare the corporation dissolved. 1 Edw. VII., c. 40, s. 31.

### SCHOLARSHIPS.

Receiving money for establishment of scholarship.

29. Any person may, with the approval of the board, found a scholarship or prize.

30.—(1) A board may annually award five scholarships to the pupils of the public or separate schools situate within the high school district. Scholarships for public and separate school pupils.

(2) The number of such scholarships shall be fixed by the high school board, which may award the same by competitive examinations or otherwise and may prescribe the tenure of such scholarships and provide for the expenses of holding examinations therefor. Number and mode of awarding.

(3) A scholarship shall be awarded only to a pupil who is a ratepayer or the child of a ratepayer in a municipality contributing to the maintenance of the high school. Who may receive.

31.—(1) A board may annually award free scholarships to the pupils on the results of form or other examinations. Free Scholarships.

(2) The board may make such rules and regulations regarding such scholarships as it may deem expedient. 2 Edw. VII., c. 42, s. 4. Rules as to.

32. A board may invest any money received through legacy, gift or otherwise, and for such purpose shall have and may exercise the powers conferred upon trustees by *The Trustee Investment Act*. 1 Edw. VII., c. 40, s. 32. Investment of scholarship fund. 9 Edw. VII., c. 59.

#### MUNICIPAL GRANTS FOR MAINTENANCE.

33.—(1) The council of every county shall on or before the 15th day of December in each year pay to the board of every high school in towns not separated from the county, and in villages and townships within the county for the maintenance of the high schools, without any deduction on account of fees paid by county pupils, an amount equal to that apportioned by the Minister to such high school out of the legislative grant for the maintenance of high schools. 1 Edw. VII., c. 40, s. 33. Aid to high schools from counties.

(2) Where an Agricultural Department is established by the Minister in a high school the council of the county in which the high school is situate, shall on or before the 15th day of December in each year pay to the board of the school in which such department is established the sum of \$500 which shall be applied by the board to the purposes of such department. County grant to agricultural department.

34.—(1) Where the cost of the maintenance of county pupils at a high school exceeds the amount apportioned by the Minister and the fees received from county pupils, the county shall, in lieu of the equivalent of the amount apportioned out of the legislative grant, pay to the Board a sum to be ascertained in the manner following:—

From When further grant from county to be made.

Mode of  
ascertaining  
county grant.

From the total cost of maintenance of the high school the amount apportioned out of the legislative grant shall first be deducted; the remainder shall be divided by the total number of days' attendance of all pupils at the school during the next preceding three years, and the resulting amount shall be multiplied by the total number of days' attendance of county pupils during the same three years and from the resulting amount the fees received from county pupils shall be deducted and the remainder shall be the sum payable by such county.

Reckoning  
attendance in  
case of new  
school.

(2) Where a high school has not been in existence for three years, the attendance shall be reckoned for the period during which it has been open.

Disputes as to  
grants to be  
referred to  
county judge.

(3) The board and the county council may by agreement settle the amount to be paid by the county for the maintenance of county pupils, in any year, but if they do not agree the same shall be settled by the judge on the application of either party.

Agreement not  
to affect appor-  
tionment of  
county aid.

(4) No agreement or settlement so made shall affect the apportionment of county aid authorized by section 39.

Award of judge  
binding for 3  
years.

(5) Where a high school has been in existence for three years or more, an award made by the judge shall be binding for three years, and, where it has not been in existence for three years, for one year only.

Statements to  
be submitted  
to judge.

(6) In case of a reference the board shall submit to the judge a detailed statement of all receipts and expenditures for maintenance of the high school for each of the preceding years or less period under consideration, which shall be certified by the auditors, and a statement certified by the chairman of the board of the names, residences and attendance of all resident, non-resident, and county pupils for each of such years, or for such period, and giving a separate list with names and addresses of the county pupils on whose account the demand for payment is made, and a statement certified by the chairman of the amount apportioned out of the legislative grants and of all fees received from county pupils during each of such years or during such period, and shall also furnish to the judge such further information as he may require. 1 Edw. VII., c. 40, s. 34 (1, 2, 3).

Maintenance  
of county  
pupils in city  
or town high  
school.

**35.**—(1) Where the board of a city or a separated town has notified the county clerk that the high school is open to county pupils on the same terms as high schools in the municipalities not separated from the county are open to such pupils the county council shall, on or before the 15th day of December in each year, pay a sum equal to eighty per cent. of the cost of the maintenance of county pupils at such high school. 1 Edw. VII., c. 40, s. 34 (6); 3 Edw. VII., c. 33, s. 1.

(2)



(2) Where the board of a city, town, village or township has notified the clerk of any county adjacent to that in which the high school is situate that such high school is open to pupils resident in such adjacent county on the same terms as to county pupils, the council of such adjacent county shall, on or before the 15th day of December in each year, pay for the maintenance of pupils from such county attending such high school a sum equal to 65 per cent. of the cost of the maintenance of pupils at such high school.

Maintenance of county pupils in city, town and village high schools.

(3) Subsections 1 and 2 shall not apply to a city which has a population of 50,000 or over. 3 Edw. VII., c. 33, s. 2 (1).

Certain cities excepted.

(4) Where the board of a municipality contiguous to a city gives notice to the city clerk that such high school is open to city pupils on the same terms as it is open to the resident pupils of the municipality in which the high school is situate, the council of the city shall, on or before the 15th day of December in each year, pay to the board 80 per cent. of the cost of maintenance of city pupils at the high school. 4 Edw. VII., c. 31, s. 2.

Contribution by city council to cost of maintenance of pupils at school in adjoining municipality.

(5) The amount payable under subsections 1, 2 and 4 shall be ascertained as follows:—

Mode of ascertaining amount payable by city.

From the total cost of maintenance of the high school the amount apportioned out of the legislative grants shall first be deducted; the remainder shall be divided by the total number of days' attendance of all pupils at such high school during the year for which payment is to be made; the resulting amount shall be multiplied by the total number of days' attendance of pupils in respect of whom such county or municipality is liable; the percentage prescribed by the subsection under which payment is to be made shall then be determined, and from that amount the fees paid by such pupils shall be deducted, and the resulting amount shall be the sum payable by such county or municipality. 7 Edw. VII., c. 23, s. 40.

(6) Where the parties do not agree as to the amount so payable the same shall be ascertained by the Judge on the application of either party.

Reference to judge.

(7) On the reference to the Judge the board shall submit to him statements similar to those mentioned in subsection 6 of section 34, certified in a similar manner, and shall furnish such further information as he may require.

Statements to be submitted to judge.

36. The costs of a reference to the judge under sections 34 or 35 shall be in his discretion and the amount thereof shall be fixed by him and he may direct to, and by whom and in what manner the same shall be paid. 1 Edw. VII., c. 40, s. 34 (4).

Costs of reference to judge.

## COLLECTION OF RATES.

Councils to  
levy rates in  
high school  
districts.

**37.** The council or councils having jurisdiction shall levy and collect each year in their respective municipalities or the parts thereof within the high school district such amount as the board may deem necessary for the maintenance of the high school in addition to that received from the county council and from other sources under this Act and a further sum, not exceeding \$500, in any one year if required by the board for permanent improvements, and such amount shall be levied by one uniform rate over the whole district. 1 Edw. VII., c. 40, s. 35.

## GRANTS FOR PERMANENT IMPROVEMENTS.

Grants for  
permanent im-  
provements  
exceeding \$500

**38.—(1)** Where the sum required by a board for permanent improvements exceeds \$500, the same shall be raised on the application of the board by the issue of municipal debentures as herein provided, and all sums required to pay off such debentures, and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district.

Application of  
board to  
council.

**(2)** The application of the board shall be made to the council or councils having jurisdiction over the high school district, and in it the board may state the minimum term of years, not exceeding thirty, within which the sum required is to be repaid.

Council to deal  
with applica-  
tion.

**(3)** The council, or, if more than one, each of the councils applied to, at its first meeting after receiving the application, or as soon thereafter as possible, shall consider and approve or disapprove the same; and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

Issue of  
debentures.

**(4)** If the council or a majority of the councils, where there are more than one, approve of the application, the council of the municipality within which the high school is situate shall raise the sum required by the issue of debentures in the manner provided by *The Consolidated Municipal Act, 1903*.

3 Edw. VII.,  
c. 19.

If council dis-  
approves  
application it is  
to be submitted  
to ratepayers.

**(5)** If the council or half the number of councils where there are more than one, disapprove of the application, such council or each of such councils, where there are more than one, on the request of the board shall submit the application to a vote of the electors of its municipality or of the part thereof comprised in the high school district in the manner provided by *The Consolidated Municipal Act, 1903*, for a by-law for contracting a debt.

3 Edw. VII.,  
c. 19.

(6) If a majority of the votes cast throughout the high school district are in favour of the application the council of the municipality in which the high school is situate, shall in the manner provided by *The Consolidated Municipal Act, 1903*, but without submitting any by-law to the electors raise the required sum by the issue of debentures.

When rate-payers approve application debentures to be issued.

(7) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the same to a vote of the electors.

Council may act without submission to ratepayers.

(8) Where a high school district comprises more than one municipality or parts of more than one municipality each municipality shall be liable for such proportion of the principal and interest payable under, and of the expenses connected with, the debentures as the equalized assessment of that part of the high school district which is within such municipality bears to the equalized assessment of the whole district, and the council of each of the other municipalities shall pay its proportion to the council of the municipality which has issued the debentures.

Proportionate payment of debenture debt by municipalities.

(9) A debenture may be for such term of years not exceeding thirty and not less than that mentioned in the application of the board as the municipal council or councils concerned or a majority of them may think proper or the council or councils or a majority of them shall, if the board has so requested, and may whether such request has been made or not, make the debenture debt payable by annual or other instalments in the manner provided by *The Consolidated Municipal Act, 1903*.

Term of debentures.

(a) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall, for the purposes of this subsection, be deemed a majority.

3 Edw. VII., c. 19.

(10) Nothing in this section shall prevent the municipality in which the high school is situate from assuming the full cost of permanent improvements or from undertaking to pay any debentures that may be issued therefor, notwithstanding that such municipality forms only a part of the high school district. 1 Edw. VII., c. 40, s. 37.

Municipality in which high school is situate may assume full cost of permanent improvements.

39.—(1) The council of any municipality or county may raise by assessment in addition to any sums which it is required by this Act to raise such further sums as it may deem expedient for the maintenance or permanent improvement of a high school, provided that, in the case of a county, any additional sum so raised shall be apportioned (except as hereinafter provided) among all the high schools of the county in proportion to the liability of the county to each board. 1 Edw. VII., c. 40, s. 38 (1).

Council may raise further sum for high school purposes.

County council  
may make  
grants to  
particular  
schools.

(2) The council of a county may, by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the high schools in the county without making a similar provision for the other high schools therein. 2 Edw. VII., c. 42, s. 3; 3 Edw. VII., c. 33, s. 2.

Permanent  
improvements.

40. All moneys which a municipal council is required by this Act to collect for permanent improvements shall be paid to the treasurer of the board on or before the 31st day of December of the year in which application was made by the board for such moneys; all moneys which a council is required to collect by assessment, or to raise by way of loan, or otherwise, for the maintenance of a high school shall be paid from time to time to the treasurer of the board as the board may require. 1 Edw. VII., c. 40, s. 39 (1).

For mainten-  
ance.

Apportionment  
of high school  
grant in united  
counties.

41. The council of united counties may apportion the amount to be levied for high school purposes so that each county shall be liable only for the maintenance of the high schools within such county, but in such case each of the counties shall pay for the maintenance of pupils residing therein who attend any high school situate in any other of the counties. 1 Edw. VII., c. 40, s. 38 (2).

#### HIGH SCHOOL FEES.

Fees of county  
pupils.

42.—(1) County pupils shall pay such fees as the county council may prescribe, but such fees shall be uniform for all high schools in the county, or, in the case of united counties for each county in the union, and shall not exceed one dollar per month.

When scale of  
fees to take  
effect;  
duration.

(2) The scale of fees shall take effect from the beginning of the high school term next after the adoption thereof, and shall continue in force for three years or for such term as may be agreed upon between the board and the county council.

County pupils  
attending high  
school in city  
or town.

(3) County pupils admitted to a high school situate in a city or in a separated town, on the same terms as resident pupils, shall pay the same fees as are paid by resident pupils.

Non-resident  
pupils.

(4) Non-resident pupils shall pay such fees as the board may prescribe, but such fees shall not be greater than the average cost per pupil of maintenance of the high school, nor less than the fees imposed by the council on county pupils.

Resident  
pupils.

(5) Resident pupils shall pay such fees as the board may prescribe.

(6) The council of a municipality not included, or not wholly included, in a high school district may provide by assessment for the payment of any fees imposed by the county council on county pupils who reside in such municipality, or by the board on non-resident pupils who reside in such municipality; but in the case of a municipality not wholly included such assessment shall be confined to the part which is not included within the high school district. 1 Edw. VII., c. 40, s. 40.

Council may pay fees.

(7) The fees payable under this section shall be payable to the treasurer of the board.

Fees to be paid to treasurer.

43. County pupils shall have the right to attend any high school aided by the council of the county in which they or their parents or guardians reside. Resident pupils shall have the right to attend the high school of the district in which they or their parents or guardians reside. Non-resident pupils may attend any high school at the discretion of the Board.

What school pupils may attend.

#### HIGH SCHOOL ENTRANCE EXAMINATIONS.

##### *General.*

#### 44. Subject to the Regulations—

(a) Candidates who pass the uniform entrance examination for high schools held by boards of examiners provided for in this Act shall be granted admission to the high schools;

Who may be admitted to high schools.

(b) Candidates who have completed the course prescribed for the fourth form of the public school or who have in the opinion of a board of examiners completed a course which gives them an equivalent standing may in the discretion of such board of examiners be by it admitted to the high schools without passing such entrance examination.

45. Subject to the Regulations, any person actually engaged in teaching who holds—

Who may be examiners at entrance examinations.

(a) A permanent High School certificate, or

(b) A permanent First Class certificate, or

(c) A Provincial Second Class certificate, and has had five years' experience as a teacher,

may be appointed a presiding officer or a member of a board of examiners.

##### *In the Counties.*

46.—(1) (a) In a county in which one or more high schools have been established, one or more examination

Centres to be established.

centres

centres shall be established by the high school board from time to time in each district and in other parts of the county by the county council. The county clerk or the secretary of the board as the case may be shall give due notice to the public school inspector of the establishment of such centres, and the inspector shall attach each centre established by the county council to the centre or centres of one of the high school districts.

One board of examiners for each district.

(b) A high school district shall be under one board of examiners. The public school inspector of the inspectorate in which the high school is situate, and the high school principal or principals in the high school district shall be members of the board of examiners. The public school board and the board of separate school trustees, if any, of the city, town, or village in which the high school is situate, may each, on or before the first day of June in any year, appoint an additional member to the board. The county council may, also, at its meeting in June, in any year, appoint the principal of one continuation school, having a staff of at least two teachers, to be a member of the board of examiners of the high school district to the centre or centres of which his county centre is attached.

Examiners in counties not having a high school.

(2) (a) In a county in which no high school has been established, the county council, at its meeting in June, in each year, shall appoint a county board of examiners, consisting of the public school inspectors, with as many more members as may appear to be necessary, and preference shall be given to the principals of the continuation schools of the county.

County centres.

(b) The county council shall also establish such county centres as it may deem necessary, and the county clerk shall notify the public school inspectors of the establishment of such centres.

Additional examiners.

(3) Subject to the Regulations, every board of examiners shall in each year appoint such additional members as may be required.

Payment of examiners' fees.

(4) Subject to the Regulations, the expenses of the examination shall be paid, on the requisition of the chairman of the board of examiners, in the case of county centres, by the treasurer of the county, and in the case of the high school district centres, by the treasurer of the high school board.

Candidates' fees.

(5) The county council or the high school board, as the case may be, may impose a fee not exceeding \$1 upon each candidate at the county and the high school district centres, which shall be paid by the candidate as prescribed by the Regulations, and shall be paid over at or before the close of the written examination, to the treasurer of the county or of the board, as the case may be.

*In*

*In the Territorial Districts.*

47.—(1) (a) Where there are one or more high schools in a public school inspectorate in territory without county organization there shall be a board of examiners for each high school. The inspector for the inspectorate in which the high school is situate and the high school principal or principals in the high school district shall be members of the board. The public school board and the board of separate school trustees, if any, of the city, town, or village in which the high school is situate, may each, on or before the first day of June of any year, appoint an additional member. Subject to the Regulations, the board of examiners, in each year shall appoint such additional members as may be required, and preference shall be given to the principals of continuation schools in the inspectorate.

Examiners in territorial districts.

(b) One or more centres shall be established by the high school board in each high school district, and with the approval of the Minister, other centres may be selected and attached by the public school inspector to one of the high school district centres in his inspectorate.

(2) (a) In an inspectorate in which no high school has been established, there shall be a board of examiners, consisting of the public school inspector and as many more members as may appear to him to be necessary, appointed by the inspector, with the approval of the Minister, and preference shall be given to the principals of continuation schools in the inspectorate.

Where no high school has been established.

(b) In such inspectorates, the centres shall be selected by the inspector, with the approval of the Minister.

(3) Subject to the Regulations, the expenses of the examinations shall be paid by the Minister out of any money appropriated by legislation and applicable to that purpose.

Expenses: how borne.

## HIGH SCHOOL TEACHERS.

48.—(1) No person shall be appointed principal of a high school unless he is a graduate in Arts of a University within the British Dominions, and furnishes satisfactory evidence to the Minister of his knowledge of the science and art of teaching, and of school organization and management.

Principals of high schools.

(2) No person shall be appointed assistant teacher in a high school who does not possess the qualifications prescribed by the Regulations.

Assistant teachers.

(3) Every teacher of a high school shall, in the organization, discipline, management and classification of the pupils be subject to the Regulations.

Teachers.

(4) The provisions of *The Public Schools Act* respecting superannuation shall apply to teachers of high schools. 1 Edw. VII., c. 40, s. 42.

Superannuation.



## AGREEMENTS.

Salary for  
teaching dur-  
ing part of the  
year.

49.—(1) A teacher who enters into an agreement with a board for one year and who serves under such agreement for three months or over, shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

Sickness.

(2) A teacher shall be entitled to his salary, notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment, if the sickness is certified to by a physician; but that period may be extended at the pleasure of the board.

Neglect of  
duty.

(3) A high school inspector may, on the complaint of a board, suspend the certificate of a teacher who wilfully neglects or refuses to carry out his agreement with the board, but the teacher may appeal to the Minister, who may make such order with regard to the suspension as he may deem proper.

Disputes  
between  
teachers and  
trustees.

(4) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the Division Court of the division in which the cause of action arose; subject to the same right of appeal as under *The Public Schools Act*. 1 Edw. VII., c. 40, s. 43.

9 Edw. VII.,  
c. 89.

## RETIRING ALLOWANCES.

Retiring al-  
lowance to  
teachers.

50. Where a teacher or an officer whose time is entirely devoted to the work of the board retires, having reached the age of 60 years, or after having been for 20 years in the service of the board, the board may grant him an annual allowance not exceeding the salary which he was receiving at the time of his retirement, or may make a grant to him by way of gratuity of such sum as will represent not more than the present value of such allowance for his life, computed on the basis of interest at the rate of four per cent. per annum. 1 Edw. VII., c. 40, s. 44.

## TERMS.

Duration of  
academic  
year.

51.—(1) The school year shall consist of three terms; the first shall begin on the first Tuesday of September and end on the 22nd of December; the second shall begin on the 3rd of January and end on the Thursday before Easter Day; and the third shall begin on the second Monday after Easter Day, and end on the 29th of June.



(2) Every Saturday, every public holiday and every day proclaimed a holiday by the council of the municipality in which the school is situate shall be a school holiday. School holidays.  
1 Edw. VII., c. 40, s. 45.

#### AUTHORIZED BOOKS.

52.—(1) A teacher shall not use or permit to be used as a text-book in a high school any book except such as is authorized by the Regulations, and the Minister, upon the report of the inspector, may withhold the whole or any part of the legislative grant in respect of any high school in which any unauthorized book is so used. Text-books.

(2) Subject to the Regulations, an authorized text-book in actual use in a high school may, with the written approval of the board, be changed by the teacher for any other authorized text-book on the same subject. 1 Edw. VII., c. 40, s. 50. Change of text-books.

#### PENALTIES AND PROHIBITIONS.

53. A high school trustee shall not enter into any contract, agreement, engagement or promise of any kind, either in his own name, or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit, or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment, or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the municipality, or the appointing body of the vacancy. 1 Edw. VII., c. 40, s. 46. Trustees contracting with board.

54. No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which an advertisement is inserted by the board in the regular course of business, or which is subscribed for by the board, if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. 1 Edw. VII., c. 40, s. 47. Newspaper proprietors inserting official advertisements not disqualified from sitting on boards, etc.

55. If a trustee is convicted of an indictable offence, or becomes insane, or without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to

be

be a resident within the county or municipality by the council or school board of which he was appointed he shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the council of the county or municipality or other appointing body of the vacancy. 1 Edw. VII., c. 40, s. 48.

Disturbing  
schools.

56. Any person who wilfully interrupts or disquiets any high school by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to interfere with the order or exercises of the school shall, for each offence incur a penalty not exceeding \$20. 1 Edw. VII., c. 40, s. 49.

Substitution  
of unauthorized  
text-books.

57. If a teacher negligently or wilfully permits an unauthorized book to be used as a text book by the pupils of his school, the Minister, on the report of the inspector may suspend such teacher and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of such use or any less sum at its discretion.

Disqualified  
persons acting  
as trustees.

58.—(1) A trustee who sits or votes at any meeting of the board while disqualified under this Act, shall incur a penalty of \$20 for every meeting at which he so sits or votes.

Penalty for  
refusal to  
perform duties.

(2) Every person appointed as trustee who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall incur a penalty not exceeding \$20.

Trustees and  
teachers not to  
hold certain  
offices.

59. A trustee shall not be eligible for appointment as a high school teacher; nor shall the teacher of a high, public, or separate school hold the office of high school trustee.

Liability for  
neglect to  
take security.

60. If a Board refuses or neglects to take proper security from the Treasurer or other person to whom they entrust school moneys and any school moneys are forfeited or lost to the board in consequence of such refusal or neglect, every member of the board shall be personally liable for such moneys, and the same may be recovered by the board or any ratepayer or ratepayers interested therein suing on behalf of himself or themselves and all ratepayers of the high school district interested in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. (*See Consolidated Municipal Act, 1903, s. 418 (5).*)

Trustee may  
not be sec-  
retary, treas-  
urer, or bonds-  
man.

61. A trustee shall not be appointed secretary, treasurer, or secretary-treasurer of the board or be bondsman or surety for the treasurer or secretary-treasurer or for any person entrusted with school moneys.

62.—(1) A treasurer, secretary or secretary-treasurer, or a person having been such treasurer, secretary, or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel, or money, which came into his possession as such treasurer, secretary, secretary-treasurer, or trustee or otherwise, shall not wrongfully withhold, or neglect, or refuse to deliver up, or account for, and pay over the same to the person, and in the manner, directed by the board, or by other competent authority.

Penalty on secretary-treasurer or trustee for refusing to account.

(2) Upon application to the Judge, by the board, supported by affidavit, showing such wrongful withholding or refusal, the Judge may summon such treasurer, secretary, secretary-treasurer, trustee, or person, to appear before him at a time and place appointed by him.

Mode of proceeding.

(3) A bailiff of a Division Court upon being required so to do by the Judge shall serve the summons, or a true copy thereof, on the person complained against, personally, or by leaving the same with a grown-up person at his residence.

Service of summons.

(4) At the time and place so appointed, the Judge if satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded, may order the person complained against to deliver up, account for, and pay over such book, paper, chattel, or money, by a day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may allow.

Judge to issue order.

(5) In the event of non-compliance with the order, the Judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county or district in which he resides, there to remain without bail until the Judge is satisfied that he has delivered up, accounted for, or paid over the book, paper, chattel, or money, in the manner directed by the board, or other competent authority.

Effects of non-compliance with judge's order.

(6) Upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly.

Discharge on complying with order.

(7) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel, or money, as directed, the Judge may order his discharge on such terms or conditions as he may deem just.

Discharge on terms.

(8) Such proceedings shall not impair or affect any other remedy which the board, or other competent authority, may have against the person complained against or against any other person.

Other remedy not affected.

Penalties on trustees refusing information, etc., to auditor.

63. It shall be the duty of a board and of the treasurer, secretary, or secretary-treasurer, to furnish the auditors with any papers and information in their power, which may be required of them relative to the school accounts, and any member of the board and a treasurer, secretary or secretary-treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20.

Penalty for false school reports and registers.

64. If a trustee knowingly signs a false report, or if a teacher keeps a false school register, or makes a false return, such trustee or teacher shall, for every offence incur a penalty not exceeding \$20.

N.B.—A *Trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and anyone employing or paying him to act as agent or otherwise, are liable to the penalties imposed by The Department of Education Act. See 9 Edw. VII. c. 88, s. 28.*

#### HOW FINES AND PENALTIES MAY BE RECOVERED.

How penalties under this Act shall be recoverable.

65.—(1) The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*.

Who may prosecute.

(2) Any ratepayer, trustee, or high school teacher may take proceedings to recover any such penalty.

Payment and application of penalties.

(3) Unless otherwise provided, all such penalties shall be payable to the treasurer of the board of the high school district in which the offence was committed, and shall be applied to high school purposes; except when the penalty is imposed upon a treasurer, secretary, or secretary-treasurer, in which case the same shall be payable to the chairman of the board, and shall be applied to high school purposes.

1 Edw. VII., c. 40 and amendments repealed.

66. *The High Schools Act (1901)* and all amendments thereto are repealed.

## CHAPTER 92.

## An Act respecting Truancy and Compulsory School Attendance.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.	TRUANT OFFICERS,—
INTERPRETATION, s. 2.	Appointment, s. 7.
CHILDREN FROM 8 TO 14 TO AT-	Duties, s. 8.
TEND SCHOOL, s. 3.	CONVICTION AND PENALTY FOR
DUTY OF PERSONS WITH WHOM	VIOLATION OF ACT, SS. 9-12.
CHILDREN RESIDE, s. 4.	PENALTY FOR NEGLECTING TO EN-
EXEMPTIONS FROM PENALTIES,	FORCE ACT, SS. 13-15.
s. 5.	ONUS OF PROOF OF AGE, s. 16.
EMPLOYMENT OF CHILDREN DURING	EXEMPTIONS IN RESPECT OF RE-
SCHOOL HOURS PROHIBITED, s. 6 (1)	LIGION, s. 17.
When J. P. or principal may	REPEAL, s. 18.
allow, s. 6 (2).	

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Truancy Act.*" Short title.
2. In this Act— Interpretation.
  - (a) "Inspector" shall mean an inspector of public or "Inspector." separate schools;
  - (b) "Principal" shall mean the head teacher of a public, separate or private school. R.S.O. 1897, "Principal." c. 296, s. 1.
  - (c) "Regulations" shall mean regulations made under "Regulations." the authority of *The Department of Education Act*;
  - (d) "School" shall mean a public or a separate school "School" or a private school at which instruction is given regularly in reading, spelling, writing, grammar, geography and arithmetic.

3. Every child between eight and fourteen years of age shall attend school for the full term during which the school of the section or municipality in which he resides is open each year, unless excused for the reasons herein-after mentioned. R.S.O. 1897, c. 296, s. 2. Children from 8 to 14 to attend school.

4. A person who has received into his house another person's child under the age of fourteen, who is resident with him or is in his care or legal custody, shall be subject to the same duty with respect to the instruction of such child during such residence as a parent, and shall be liable to be proceeded against as in the case of a parent, if he fails to cause such child to be instructed as required by Duty of persons with whom children reside.

by this Act; but the duty of the parent under this Act shall not be thereby affected or diminished. R.S.O. 1897, c. 296, s. 3.

Exemptions  
from penalties.

5. A parent, guardian or other person shall not be liable to any penalty imposed by this Act in respect of a child if—

- (a) The child is under efficient instruction at home or elsewhere;
- (b) The child is unable to attend school by reason of sickness or other unavoidable cause;
- (c) There is no public or separate school which the child has the right to attend within two miles, measured by the nearest highway from such child's residence, if he is under ten years of age, or within three miles if he is over that age;
- (d) There is not sufficient accommodation in the school which the child has the right to attend;
- (e) The child has been excused, as hereinafter provided, by a Justice of the Peace, or by the principal of the school which the child is entitled to attend; or
- (f) The child has passed the entrance examination for high schools prescribed by the Regulations; or has completed the course prescribed for the 4th form of the Public schools or a course which gives him an equivalent standing. R.S.O. 1897, c. 296, s. 4.

Employment  
of children  
during school  
hours pro-  
hibited.

6.—(1) No child under the age of fourteen years who has not a valid excuse under this Act, shall be employed by any person during school hours, while the public school of the section or municipality in which the child resides is in session, and any person who employs a child in contravention of this section, shall incur a penalty not exceeding twenty dollars for each offence.

Penalty.

When Justice  
of the Peace  
or principal  
may relieve  
child from  
attendance.

(2) Where in the opinion of a Justice of the Peace or of the principal of the school attended by any child the services of such child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, such Justice or principal may, by certificate setting forth the reasons therefor, relieve such child from attending school for any period not exceeding six weeks during each public school term. R.S.O. 1897, c. 296, s. 5.

Appointment  
and regulation  
of truant  
officers.

7.—(1) The police commissioners and, where there are no police commissioners, the Municipal Council of every city, town and village, shall appoint, control and pay one

or

or more truant officers for the enforcement of this Act and notice of such appointment shall be forthwith given to the school boards of the Municipality.

(2) A truant officer shall, for the purposes of this Act, be vested with the powers of a peace officer, and shall have authority to enter factories, workshops, stores, shops and all other places where children may be employed or congregated, and shall perform such services as may be necessary for the enforcement of this Act.

Truant officer to have powers of peace officer.

(3) The council of a township may annually appoint one or more truant officers who shall have the same powers and perform the same duties as a truant officer in a city, town, or village.

Appointments in townships.

(4) The clerk of the council shall notify the secretary of the board in each school section in the municipality of every appointment of a truant officer with the name and post office address of each officer appointed.

Township clerk to notify boards.

(5) If the council neglects to appoint a truant officer before the 1st day of February in any year, the board of a school section may appoint a truant officer for the section.

Appointment by school board of section.

(6) The body making the appointment may make rules not inconsistent with the provisions of this Act or the Regulations for the direction of the truant officer.

Rules.

(7) Notice of every appointment made under this section shall be given to the inspector within whose inspectorate the truant officer has jurisdiction.

Notice of appointment to be given to inspector.

(8) Every truant officer shall report monthly to the body appointing him and annually to the Minister of Education according to the forms prescribed by the Regulations.

Monthly and annual reports.

(9) Where the appointing body so directs, a truant officer shall perform his duties under the direction of the inspector.

Acting under inspector.

R.S.O. 1897, c. 296, s. 6.

8. Every truant officer shall examine into all cases of truancy within his knowledge, or when requested to do so by the inspector, or by a school trustee, teacher, other truant officer or ratepayer, and shall warn the truant and their parents or guardians, in writing, of the consequences of truancy; and shall also notify the parent, guardian or other person having the charge or control of a child between the ages of eight and fourteen years not attending school as required by this Act, to cause the child to attend some school forthwith. R.S.O. 1897, c. 296, s. 7.

Truant officers to investigate cases of truancy.

Conviction  
and penalty  
for violation  
of Act.

9.—(1) A parent, guardian or other person having the charge or control of any child between the ages of eight and fourteen years who neglects or refuses to cause such child to attend some school, unless such child is excused from attendance as provided by this Act, shall incur a penalty of not less than five dollars nor more than twenty dollars.

Requiring  
security  
instead of  
penalty.

(2) The court may, instead of imposing a penalty, require a person convicted of an offence under this section to give a bond in the penal sum of one hundred dollars, with one or more sureties to be approved by the court, conditioned that the person convicted shall after the expiration of five days, cause the child to attend some school as required by this Act. R.S.O. 1897, c. 296, s. 8.

Truant officers  
to institute  
proceedings.

10. Every truant officer shall institute, or cause to be instituted, proceedings against a parent, guardian or other person having the charge or control of a child, or against any other person violating any of the provisions of this Act. R.S.O. 1897, c. 296, s. 9.

Teachers to  
report to  
truant officer.

11.—(1) The teacher or the principal of every public and separate school shall once in each month of the school year report to the truant officer of the municipality or section in which the school is situate the names, ages and residences of all pupils on the school register who have not attended school as required by this Act, together with such other information as the truant officer may require for enforcing the provisions of this Act.

Reports.

(2) The teacher or principal, as the case may be, shall also forthwith report to the truant officer every case of expulsion. R.S.O. 1897, c. 296, s. 11.

Violations of  
Act by cor-  
porations.

12. Where any of the provisions of this Act are violated by a corporation, proceedings may be had against every officer or agent of the corporation who is a party to such violation, and such officer or agent shall be subject to the same penalties as any other person similarly offending. R.S.O. 1897, c. 296, s. 12.

Penalty for  
neglecting to  
enforce the  
Act.

13. Every person and officer charged with the duty of enforcing any provision of this Act, who neglects to perform the duty imposed upon him shall incur a penalty not exceeding \$10 for each offence. R.S.O. 1897, c. 296, s. 14.

Prosecutions.

14. The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*. See R.S.O. 1897, c. 296, s. 15.

Convictions  
not to be  
removed for

15. A conviction or order made in any matter arising under this Act shall not be removed, either at the instance  
of



of the Crown or of any private person, into the High Court. R.S.O. 1897, c. 296, s. 16.

16. Where a person is charged with an offence under this Act in respect to a child who is alleged to be within the ages of eight and fourteen years and the child appears to the court to be within such ages, the child shall, for the purposes of this Act, be deemed to be within such ages unless the contrary is proved. *See* R.S.O. 1897, c. 296, s. 17; 8 Edw. VII. c. 59, s. 29. Onus of proof of age of child.

17.—(1) Nothing herein shall be held to require the child of a Roman Catholic who is a separate school supporter to attend a public school or to require the child of a public school supporter to attend a Roman Catholic separate school. Certain children not compelled to attend public or separate schools.

(2) No penalty shall be imposed in respect to the absence of a child from school on a day regarded as a holy day by the Church or religious denomination to which such child belongs. R.S.O. 1897, c. 296, s. 18. No penalty for not attending school on Church holy days.

18. Chapter 296 of The Revised Statutes of Ontario, 1897, is repealed. Repeal.

## CHAPTER 93.

An Act respecting the Acquisition of Land for  
School Purposes.

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

POWERS AND DUTIES TO BE SUB-  
JECT TO REGULATIONS OF  
DEPARTMENT OF EDUCATION,  
s. 3.Restrictions as to townships,  
s. 4.Board may purchase or ex-  
propriate, s. 5.Who may sell and convey,  
s. 6.Voluntary submission to ar-  
bitration, s. 7.Compulsory arbitration, ss. 8-  
20.Application of Arbitration  
Act, s. 21.*Assented to 13th April, 1909.*

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

Short title.

1. This Act may be cited as "*The School Sites Act.*"  
(*New.*)

Interpretation.

2. In this Act

Board.

(a) "Board" shall mean and include the Board of  
Trustees of a Public School section, the Board  
of Trustees of a Union School section, a Town-  
ship Board of School Trustees, the Board of  
Public School Trustees of a city, town or village,  
a Continuation School Board, a Board of Edu-  
cation, a High School Board and a Technical  
School Board.

"County  
Judge."

"Judge."

(b) "County Judge" and "Judge" shall mean the Sen-  
ior Judge of the County or District Court of the  
County or District within which the Board has  
jurisdiction or, if he is a member of the High  
School Board or is unable to act, or is disquali-  
fied, shall mean the Junior Judge of such County

or

or District Court, and, if the Junior Judge is also a member of the Board or is unable to act, or is disqualified, shall mean the Judge of the County or District Court of the adjoining County or District which has the largest population according to the last Dominion Census.

(c) "Owner" shall include a mortgagee, lessee, tenant and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested. (*New.*)

(d) "School site" shall mean the land necessary for a school house, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices and play grounds connected therewith, or other land required for school purposes, or for the offices of a Board.

3. The powers and duties conferred and imposed upon a Board by this Act shall be subject to the Regulations made under *The Department of Education Act.* (*New.*)

Powers and duties to be subject to regulations.

4.—(1) In a township a school site shall not be selected nor shall an existing school site be enlarged so as to include land which comprises or forms part of or is situate within one hundred yards of an orchard, garden, pleasure-ground or dwelling-house without the consent of the owner of such orchard, garden, pleasure ground or dwelling house unless the County Judge, upon the application of the Board and after notice to all persons interested, certifies in writing that other land suitable for the required purpose cannot be obtained.

Restrictions as to townships.

(2) Where the Judge so certifies the Board shall pay to the owner of the orchard, garden, pleasure ground or dwelling house such sum as the Judge, on the application of the owner, shall determine to be fair compensation for having the school site located within such distance, and the costs of the application shall be in the discretion of the Judge. (*See* 8 Edw. VII., c. 33, s. 53; 1 Edw. VII., c. 39, s. 37, (2), s. 38; 6 Edw. VII., c. 53, s. 28.)

Compensation to owner of orchard, etc.

(3) This section shall not apply to that part of a township which lies within two miles from the limits of a city having a population of over 100,000.

Application of section limited.

5. Subject to the provisions of section 4 and to the provisions of *The Public Schools Act* as to the selection of a site by the Board of a rural school section, every Board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the Board declaring that

Board may purchase or expropriate.

the

the same is required for a school site or for the enlargement of a school site.

Who may sell  
and convey  
to Board.

6.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator, and every trustee, (not only for and on behalf of himself, his heirs and successors, but also for and on behalf of those, he or they may represent, whether married women, infants, unborn issue, lunatics, or idiots), or other person, seized, possessed of or interested in any land, may contract for, sell and convey all or part thereof or any interest therein to a Board for a school site or for an enlargement of, or addition to a school site; and any contract, agreement, sale, conveyance or assurance so made shall be valid and effectual to all intents and purposes. (See 1 Edw. VII., c. 40, s. 25.)

Where there is  
no person who  
can convey.

(2) Where there is no person who under the provisions of subsection 1 of this section may contract, sell or convey, the High Court may on the application of the Board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 of this section and in any proceedings which may be taken under this Act.

Voluntary  
submission to  
arbitration.

7. Where the owner and the Board are unable to agree on the compensation to be paid to the owner they may in writing agree that the same shall be determined by one or more arbitrators, and the provisions of *The Arbitration Act* shall apply to the submission and to the arbitration and award thereunder. (*New.*)

Where owner  
refuses to  
sell or agree  
to arbitration.

8. Where the owner refuses to sell or demands a price deemed unreasonable by the Board, or where no agreement is made for arbitration under the next preceding section, the Board may appoint an arbitrator and give notice in writing of such appointment to the owner, and if the owner does not within ten days thereafter file with the Secretary or Secretary-Treasurer of the Board a notice in writing naming an arbitrator to act for him, the County Judge on the application of the Board shall name an arbitrator on behalf of the owner, and the arbitrators so appointed shall appoint a third arbitrator, or, if they are unable to agree, the County Judge, on the application of either party, may appoint such third arbitrator.

Judge may  
order notice to  
be published  
and mailed.

9.—(1) On filing with the County Judge the certificate of an Ontario Land Surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the Judge, if satisfied by affidavit or other evidence, that diligent enquiry has been made

made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district, and may order that notice be also sent to any person by mail or served upon him in such manner as the Judge may direct.

(2) The notice shall contain a short description of the land and a statement of the readiness of the Board to pay the sum so certified, shall give the name of the person to be appointed as the arbitrator of the Board, and shall state the time within which the offer is to be accepted or an arbitrator appointed by the owner, and such other particulars as the Judge may direct. Contents of notice.

(3) If within the time stated in the notice the owner does not notify the Board of his acceptance of the sum offered or appoint an arbitrator, the Judge may on the application of the Board appoint some competent person to be the sole arbitrator. Appointment of sole arbitrator. (*See* 1 Edw. VII., c. 40, ss. 26-28.)

(4) An Ontario Land Surveyor who has given the certificate shall not be named as or appointed an arbitrator. Surveyor giving certificate not to act.

10. The arbitrators appointed under this Act or a majority of them or the sole arbitrator may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect to the land, provided that in such case the claimant or other person has first received ten clear days' notice of the intention to determine his claim or right. 1 Edw. VII., c. 39, s. 35 (4). Arbitrators may determine claims of encumbrancer, etc.

11. Where part only of the lot or parcel of land of the owner is required the arbitrators shall include in the compensation the amount which will in their opinion compensate the owner for any damage directly resulting from severance. Damages caused by severance. (*New.*)

12.—(1) A notice of intention to acquire land may be desisted from by the Board at any time within 21 days after the publication of the award by giving written notice to the arbitrators, and the Board in that case shall pay the whole costs of the arbitration. Desistment.

(2) The right of desistment shall not be exercised more than once. (*See* 7 Edw. VII., c. 51, s. 16.) Right not to be exercised more than once.

13. The costs of the arbitration and award shall be in the discretion of the arbitrators, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and they may award any costs to be paid as between

between solicitor and client. 6 Edw. VII., c. 53, s. 38 (16).

Time within which award to be made.

14. The arbitrators shall make their award within three months after entering on the reference or after being called on to act by notice in writing from the Board or the owner or any other person interested, or on or before any later day to which the arbitrators or a majority of them by writing signed by them may from time to time enlarge the time for making the award. 6 Edw. VII., c. 53, s. 38 (12).

Form of award.

15. The award shall be in writing and if required by the Board, shall be in duplicate, and shall contain a description of the land, sufficient for the purpose of registration, and may be registered in the proper registry office on the affidavit of the Secretary of the Board verifying the same and showing that all moneys awarded by the arbitrators to be paid by the Board have been duly paid as required or permitted by this Act. 6 Edw. VII., c. 53, s. 38 (15), *part.*

Registration.

Award to be title.

16. Upon such registration the land shall be vested in the Board, and the award shall be a good title thereto against all persons whomsoever. 6 Edw. VII., c. 53, s. 38 (15), *part.*

Compensation to be paid within thirty days.

17.—(1) Every sum awarded to be paid as compensation shall be paid within thirty days after the publication of the award. (*New.*)

Payment into court.

(2) Where the person entitled thereto is absent or where, for any other reason, payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in doubt, or if for any other reason the Board deems it advisable, the Board may pay the sum awarded or any part thereof into the High Court with six months' interest thereon. (*See* 6 Edw. VII., c. 53, s. 38 (13), *part.*)

Compensation awarded to stand in the stead of land stakes.

18. The compensation for any land which is taken without the consent of the owner shall stand in the stead of the land; and any claim to or incumbrance upon such land, or any part thereof, shall, as against the Board, be converted into a claim to the compensation, or to a like proportion thereof and it shall be responsible accordingly whenever it has paid the compensation, or any part thereof, to a person not entitled to receive the same, saving always its recourse against such person. (*See* 1 Edw. VII., c. 40, s. 29.)

19. An award shall not be deemed invalid or be set aside because of failure to comply with any of the provisions of this Act, unless in the opinion of the tribunal before which the award is called in question the same will cause substantial injustice to some person affected thereby. (*See 6 Edw. VII., c. 53, s. 29, part.*)

Award not  
invalidated by  
informality.

20.—(1) Any question touching the validity of proceedings taken, or an award made under this Act, or, in the case of arbitrations other than those provided for in section 7, as to the compensation awarded, shall be raised, heard and determined upon a summary application by way of appeal to the County Judge and not otherwise.

Questions as  
to validity of  
proceedings,  
how to be  
determined

(2) No such appeal shall lie unless one of the parties has required the evidence to be taken down in writing in which case it shall be the duty of the arbitrators so to do.

Appeal not to  
lie unless  
evidence taken  
down.

(3) The decision of the Judge shall be final, unless special leave to appeal therefrom is given by a Judge of the High Court, and if such leave is given, an appeal shall lie to a Divisional Court of the High Court and the decision of the Divisional Court shall be final. (*See 6 Edw. VII., c. 53, s. 29, part.*)

Appeal to  
High Court.

21. Except as herein otherwise provided, the provisions of *The Arbitration Act* as to procedure upon a reference to arbitration, including the summoning and calling of witnesses, the hearing of evidence and the production of books, papers, documents and things, and the powers and duties of arbitrators, shall apply to every arbitration under the provisions of this Act. (*New.*)

Application of  
Arbitration  
Act.

## CHAPTER 94.

## An Act respecting Boards of Education.

*Assented to 13th April, 1909.*

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

MUNICIPAL BOARDS OF EDUCA-  
TION, ss. 3-10.

INSPECTORS, ss. 11, 12.

UNION BOARDS OF EDUCATION, ss.  
13-16.GENERAL PROVISIONS, ss. 17-22.  
ACT TO BE READ WITH CERTAIN  
OTHER ACTS, s. 23.

REPEAL, s. 24 .

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Boards of Education Act.*"

Interpretation.

2. In this Act—

"High School."

(a) "High School" shall include a Collegiate Institute;

"High School District."

(b) "High school district" and "district" shall mean the territory over which a High School Board has jurisdiction;

"Municipal Board" or  
"Municipal Board of Education."

(c) "Municipal Board" and "Municipal Board of Education" shall mean a board of education organized pursuant to a resolution passed by the council of any city, town, or village under the provisions of this Act or of the Act passed in the third year of His Majesty's reign, chaptered 31, or of the Act passed in the fourth year of His Majesty's reign, chaptered 33;

"Secretary" or  
"Treasurer."

(d) "Secretary" and "Treasurer" shall include a secretary-treasurer;

"Union Board" or  
"Union Board of Education."

(e) "Union Board" and "Union Board of Education" shall mean a board of education formed by the union of a high school board with one or more public school boards, pursuant to resolutions passed by the respective boards forming such union under the provisions of this Act or *The Public Schools Act* or *The High Schools Act* in force at the time such union was formed.

MUNICIPAL



## MUNICIPAL BOARDS OF EDUCATION.

3. Every board of education heretofore organized under the authority of the Act passed in the third year of His Majesty's reign, chaptered 31, or of the Act passed in the fourth year of His Majesty's reign, chaptered 33, is hereby continued, and shall continue to possess all the property, powers, and rights, and perform all the duties and be subject to all the obligations which it possessed, performed and was subject to at the time of the passing of this Act, and shall hereafter be subject to the provisions thereof relating to municipal boards.

Boards of Education formed under 3 Edw. VII., c. 31, and 4 Edw. VII., c. 33, continued.

4.—(1) When a high school district does not extend beyond the limits of the municipality, the council of a city, town or village in which one or more high schools are situate may, on or before the first day of October in any year, at a meeting specially called for the purpose, declare by resolution that it is expedient to form a municipal board of education under this Act. 4 Edw. VII., c. 33, s. 1.

Resolution to form Municipal Board of Education.

(2) Such resolution may be passed notwithstanding that a union board of education already exists in the municipality.

May be passed although union board exists.

(3) Upon the passing of the resolution a municipal board of education shall be organized in the municipality in accordance with the provisions of this Act, and when organized shall possess all the power and rights and perform all the duties theretofore possessed or performed by the boards which had theretofore exercised jurisdiction over the public and high schools and the technical schools situate within the municipality.

Organization of Municipal Boards of Education.

(4) Upon the organization of the board all the property theretofore vested in such previous boards shall become vested in the municipal board, and all the debts, contracts and agreements for which the previous boards were liable shall become obligations of the municipal board. 4 Edw. VII., c. 33, s. 1. (2).

Powers, rights and duties of.

5.—(1) Except as hereinafter provided every municipal board shall be composed as follows:—

Composition of Municipal Boards.

(a) In a city having 50,000 inhabitants or more, of fourteen members, twelve of whom shall be elected as hereinafter provided, and two of whom shall be appointed by the separate school board of the city;

(b) In a city having less than 50,000 inhabitants, of ten members, nine of whom shall be elected as hereinafter provided, and one appointed by the separate school board of the city;

(c)

(c) In a town or village, of eight members, seven of whom shall be elected as hereinafter provided and one appointed by the separate school board of such town or village;

(d) Subject to the provisions of clause (e) where there is no separate school board, the board shall be composed of the elected members only;

Appointment  
by county  
councils to  
boards in towns  
not separated  
from county.

(e) In the case of a municipal board having jurisdiction over a high school situate in a municipality not separated from the county, the council of such county at their first meeting in the year following the passing of the resolution mentioned in section 4 shall appoint three additional members of the board, one for one year, one for two years, and one for three years, and thereafter shall appoint a member to fill each vacancy as it occurs.

Board not to be  
incomplete by  
reason of  
failure to  
appoint.

(2) A Board shall not be deemed incomplete by reason only of the failure of an appointing body to appoint the member or members which it has the right to appoint.

Mode of  
election.

(3) The members to be elected shall be elected by the general vote of the persons qualified to vote for public school trustees, and the election shall be held at the same time and place, by the same returning officer and in the same manner as the election of a mayor or reeve; and, save as otherwise provided, all the provisions of *The Public Schools Act* respecting the qualification of trustees and the election of trustees by ballot shall apply to the election.

9 Edw. VII.,  
c. 89.

First election of  
members of  
board.

(4) The first election shall take place at the time of holding the municipal elections for the year following the passing of the resolution mentioned in section 4; but nothing in this Act shall affect any board having jurisdiction over any public school, high school, or technical school, during the year in which such resolution is passed. 4 Edw. VII., c. 33, s. 16 (2).

Number of  
votes for  
candidates.

(5) Every person qualified to vote shall be entitled to as many votes as there are members to be elected, but may not give more than one vote to any one candidate.

First election  
after organiza-  
tion.

(6) At the first election the full number of elective members shall be elected.

Term of office  
of first  
members.

(7) One-half of the members so elected where the number of elected members is an even number, and the next number higher than one-half where the number of elected members is an odd number, who receive the highest number of votes shall continue in office for two years thereafter and until their successors are elected and the new board is organized, and the remaining members shall continue in

in office for one year and until their successors are elected and the new board is organized.

(8) Where two or more members receive an equal number of votes at the first election, and no agreement as to which of them shall retire is reached at the first meeting of such board, then at the next meeting the question shall be determined by lot to be cast by the secretary in presence of the board, and the result shall be entered upon the minutes of the meeting. 3 Edw. VII., c. 31, s. 3; 4 Edw. VII., c. 33, s. 3.

Retirement where members have equal votes.

(9) At each annual election after the first a sufficient number of members shall be elected for two years to fill the place of members retiring.

Subsequent elections.

(10) The members retiring at the expiration of the terms for which they were respectively elected or appointed shall be eligible for re-election or re-appointment, if otherwise qualified. 3 Edw. VII., c. 31, s. 2; 4 Edw. VII., c. 33, s. 2.

Retiring members eligible for re-election.

(11) The appointment of a member or members by the separate school board shall be made at the first meeting thereof in the year in which the first election of the municipal board is held and at its first meeting in every second year thereafter.

Appointment by separate school board.

(12) Any member so appointed shall hold office for two years and until his successor is appointed. 4 Edw. VII., c. 33, s. 5.

Term of office.

(13) No member of a body having the right to appoint a member of a municipal board of education shall be eligible for appointment or election as a member of the board.

Members of appointing body not eligible.

6.—(1) The council of any city having a population of 200,000 or over may at any time before the first day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of electing the Board of Education by wards?" The provisions of section 533 of *The Consolidated Municipal Act, 1903*, shall with such variations as may be necessary apply to the taking of such vote.

Election of members by wards in cities of 200,000. Submission of question.

3 Edw. VII., c. 19.

(2) In case the said question is answered in the affirmative by a majority of the persons qualified to vote thereon, the clerk of the city shall notify the secretary of the board of education in writing of the result of the voting and all the members of the board of education shall cease to hold office on the 31st day of December of the same year and thereafter the board shall consist of two members to be elected in each ward of such city, and two members who shall be appointed by the Separate School Board.

How Board to be constituted if question answered in affirmative.

First election.

(3) At the first election held after the said question shall have been so answered in the affirmative the requisite number of members shall be elected. In each ward the two candidates receiving the highest number of votes shall be elected and as between themselves the candidate having the larger number of votes shall continue in office for two years, and the other for one year, and until their respective successors have been elected under this Act, and the new board organized.

Term of office.

(4) At each annual election after the first the term of office of each elected member shall be two years.

Application of general provisions as to qualification and election of P.S. Trustees.

(5) All the provisions of *The Public Schools Act* respecting the qualification and election of trustees shall apply to the election of such members.

Application of general provisions.

(6) Save as in this section otherwise provided the provisions of this Act shall apply to a board of education organized under this section.

Vacancies in cases of elected members.

7. Where the office of an elected member becomes vacant from any cause before the expiration of the term for which he was elected, the remaining members of the board shall, at the first meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy, and the person so elected shall hold office for the remainder of the term for which his predecessor was elected. 3 Edw. VII., c. 31, s. 4; 4 Edw. VII., c. 33, s. 4.

Vacancies in cases of appointed members.

8.—(1) Where the office of an appointed member becomes vacant from any cause before the expiration of the term for which he was appointed, the vacancy shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the remainder of the term for which his predecessor was appointed. 4 Edw. VII., c. 33, s. 7.

Failure to appoint at prescribed time.

(2) When an appointing body fails to appoint a member at the prescribed time, the appointment may be made subsequently, but the term of office of the person appointed shall expire as if he had been appointed at the time prescribed.

First meeting each year.

9. The first meeting of every municipal board in each year shall be held at the hour of eight o'clock in the evening of the Thursday after the first Monday of January. 4 Edw. VII., c. 33, s. 8, *part*.

Board to be a corporation.

10. Every municipal board shall be a corporation by the name of "The Board of Education for the" (naming the city, town or village) and shall have and possess all the powers

powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board, a high school board, or a technical school board. 4 Edw. VII., c. 33, s. 16 (1).

#### INSPECTORS.

11.—(1) The municipal board of a city and of a town separated from the county shall, subject to the provisions hereinafter contained, appoint an inspector of the public schools for the city or town. 4 Edw. VII., c. 33, s. 17.

Appointment of inspectors.

(2) When the public school teachers in charge of separate departments engaged by a municipal board in a city exceed three hundred in number the board shall appoint two inspectors and an additional inspector for every three hundred above six hundred. 3 Edw. VII., c. 31, s. 17.

Where more than one inspector to be appointed.

(3) Where more inspectors than one are appointed the board may designate one of such inspectors "chief inspector" and the other or each of the others "inspector," and shall prescribe the duties of each. 3 Edw. VII., c. 31, s. 18.

Division into territorial districts, where more than one inspector. Or chief inspector may be appointed.

12. Where a municipal board is organized under this Act in a municipality, any union board of education then existing therein shall thereby be dissolved.

Union board to be dissolved on organization of municipal board.

#### UNION BOARDS OF EDUCATION.

13.—(1) A high school board of a municipality in which a municipal board has not been organized and the board of public school trustees of the same municipality may unite as a union board of education, on filing with the clerk of the municipality in which the high school is situate certified copies of resolutions providing for such union passed at separate meetings of each of the boards called for the purpose of considering such union.

Union Boards of Education.

How formed.

(2) The union shall take effect on the next date following the passing of such resolutions fixed under this Act for the first meeting in each year of a union board, and upon the formation of such union board all property theretofore vested in the boards so uniting shall become vested in such union board, and all debts, contracts agreements and obligations of the boards so uniting, shall become debts, contracts, agreements and obligations of the union board. 1 Edw. VII., c. 40, s. 4 (1)

Powers, rights and duties of former school boards.

(3) The members of the high school and public school boards forming the union who are then in office shall continue

Former trustees to continue in office

New trustees to be elected and appointed pursuant to public and high schools Acts.

continue in office until the expiration of the terms for which they were respectively appointed or elected, and shall be the members of the union board, and the trustees for such public and high schools shall continue to be appointed and elected as if the union had not been formed, and when so appointed or elected shall be the members of the union board.

To be a corporation.

14. Every union board shall be a corporation by the name of "The Board of Education for" (naming the municipality in which the high school is situate), and such corporation shall have all the powers, perform all the duties and be subject to all the obligations of high school and public school boards. 1 Edw. VII., c. 40, s. 4 (3).

Dissolution of Union boards

15.—(1) If at a meeting of a union board specially called for that purpose a majority of all the members of the board vote in favour of the dissolution thereof, the board shall be dissolved on the next date, following such vote, fixed by this Act for holding the first meeting of union boards.

On dissolution, the different boards to continue separately.

(2) Where a board is dissolved the members thereof who are high school trustees shall constitute the high school board, and shall continue in office for the remainder of the terms for which they were respectively appointed, and the members thereof who are public school trustees shall constitute the public school board and shall continue in office for the remainder of the terms for which they were respectively elected. 1 Edw. VII., c. 40, s. 5.

Division of property on dissolution.

(3) Upon the dissolution all property held or possessed by the union board for high school purposes shall forthwith vest in the high school board, and all property held or possessed by the union board for public school purposes shall forthwith vest in the public school board, and all property held or possessed by the union board at the time of its dissolution partly for high school and partly for public school purposes shall be divided as may be agreed upon by such high school and public school boards at a meeting called for that purpose.

When council to make division.

(4) If no division is made within six months after the dissolution, the division shall be made forthwith by the council of the local municipality in which the high school is situate. 1 Edw. VII., c. 40, s. 5.

First meeting each year.

16. The first meeting of every union board in each year shall be held at the hour of eight o'clock in the evening of the first Wednesday in February. See 1 Edw. VII., c. 40, s. 15 (1).

## GENERAL PROVISIONS.

17.—(1) The first meeting of every municipal and union <sup>Municipal board and union.</sup> board after its organization or formation shall be held in the room, if any, provided for the board in the municipal building, and, if no room is provided, at the usual place of meeting of the former public school board, and the first meeting in subsequent years shall be held at such place as the board shall determine. 4 Edw. VII., c. 33, s. 8, *part*.

(2) At the first meeting in each year of every new <sup>Election of Chairman of Board of Education.</sup> municipal board and union board, and whenever the office of chairman becomes vacant, then at the first meeting of the board after the vacancy occurs, the members shall elect one of their number to be chairman of the board.

(3) In case of an equality of votes the member who is <sup>Casting vote.</sup> assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

(4) The members of the board may also elect one of their <sup>Vice Chairman.</sup> number to be vice-chairman, and he shall preside in the absence of the chairman.

(5) If at any meeting neither the chairman or vice chair- <sup>Temporary chairman.</sup> man is present, the members present may elect a chairman for that meeting.

(6) At the first meeting after the organization or forma- <sup>Secretary-Treasurer.</sup> tion of the board, and so often as a vacancy occurs, the board shall also elect a secretary and a treasurer or a secretary-treasurer, who shall hold office during the pleasure of the board.

(7) At any meeting of a board at which a chairman is to be elected the secretary, if present, shall preside until the chairman is elected, and if the secretary is not present the members present may elect one of their number for that purpose. <sup>Who to preside during election of chairman.</sup>

(8) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any <sup>Acting secretary provided for.</sup> member or person present to act as secretary for that meeting. 4 Edw. VII., c. 33, ss. 9, 11.

18. The presence of a majority of all the members con- <sup>Quorum.</sup> stituting a board shall be necessary to form a quorum. 3 Edw. VII., c. 33, s. 10; 1 Edw. VII., c. 40, s. 15.

19. The chairman or vice-chairman or member presiding, <sup>Chairman may vote.</sup> may vote with the other members on all questions, and, subject to the provisions hereinbefore contained as to a second or casting vote where there is an equality of votes at an election of chairman, any question on which there is an equality



Certain questions negatived when there is an equality of votes.

equality of votes shall be deemed to be negatived except in case of an equality of votes for the election of a secretary or a treasurer, or secretary-treasurer, when the chairman or other presiding officer shall have a second or casting vote. 4 Edw. VII., c. 33, s. 11; 1 Edw. VII., c. 40, s. 15.

Disqualification.

20. The provisions of *The Public Schools Act* and of *The High Schools Act* respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of public school boards and high school boards respectively, and respecting members resigning or vacating their offices, shall apply to all boards. 4 Edw. VII., c. 33, s. 15.

Special and advanced courses of study in high schools.

21.—(1) Every board of education having jurisdiction over more than one high school with the approval of the Minister of Education may,—

- (a) Make such modification of the prescribed high school courses of study for the high schools under its jurisdiction as it deems expedient;
- (b) Provide for special or advanced instruction in any of such courses, and
- (c) Designate such schools, or any of them, English, Commercial, Technical, or Classical High Schools, according to the course or courses of instruction provided therefor.

Application of regulations.

9 Edw. VII., c. 33.

(2) The accommodations and equipment of the school and the qualifications of the staff shall be subject to the regulations made under the authority of *The Department of Education Act*. 4 Edw. VII., c. 33, s. 18.

Representative of county council or separate school supporter not to vote on public school matters.

22. A member of a board appointed by a county council or who is a separate school supporter shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools. 4 Edw. VII. c. 33, s. 13.

This Act to be read with certain other Acts.

23. The provisions of *The Public Schools Act* and of *The High Schools Act* and of *The Act respecting Technical Schools* and of all amendments thereto, which are not inconsistent with this Act, shall be read as part of this Act, and so far as such provisions are inconsistent with the provisions of this Act, they shall not apply to municipal boards or union boards. 3 Edw. VII., c. 31, s. 20; 4 Edw. VII., c. 33, s. 19.

3 Edw. VII., c. 31.  
Edw. VII., repealed.

24. The Act passed in the third year of His Majesty's reign, chaptered 31, and the Act passed in the fourth year of His Majesty's reign, chaptered 33, and all amendments thereto, are repealed.



## CHAPTER 95.

## An Act to amend The University Act, 1906.

*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The University Amendment Act, 1909.*" Short Title.

2. Section 77 of *The University Act, 1906*, is hereby amended by adding thereto the following words: "except in the case of the Council of the Faculty of Education, which shall consist of the teaching staff thereof and the Superintendent of Education, but the said Superintendent of Education shall not vote on any question." 6 Edw. VII., c. 55, s. 77 amended. Superintendent of Education to be member of Council of Faculty of Education.

## CHAPTER 96.

## An Act respecting The Ontario Veterinary College.

*Assented to 29th March, 1909.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as "The Veterinary College Act."

Ontario  
Veterinary  
College.  
continued

2. The Ontario Veterinary College heretofore established in the City of Toronto and conducted by the Ontario Veterinary College, Limited, under Letters Patent issued under the Joint Stock Companies Act, and to which certain powers were given by the former Agriculture and Arts Association, is hereby continued as The Ontario Veterinary College, under the direction of the Minister of Agriculture.

Appliances  
and equipment  
of College.

3. The said College shall be furnished with all such appliances and equipment as may be necessary for theoretical and practical training in the science and art of veterinary medicine, and in such other branches of education as may be requisite for the intelligent and successful performance of the business of a veterinary surgeon.

Principal and  
officers.

4. The Lieutenant-Governor in Council may appoint a Principal and such professors, lecturers and instructors as may be deemed necessary for giving instruction in the College and the promotion of its usefulness, and may pass by-laws regulating and prescribing their respective duties.

Substitution of  
courses in  
Agricultural  
College, etc.

5. The Lieutenant-Governor in Council may authorize the making of arrangements whereby instruction in any of the subjects prescribed to be taught in the College may be provided by the University of Toronto or by the Ontario Agricultural College, or by any other College affiliated with the University of Toronto.

Government  
and control  
of College.

6. The government of the College shall be under and according to such rules and regulations as the Lieutenant-Governor

Governor in Council may from time to time prescribe, and such rules and regulations shall contain provisions for the standard and mode of admission; the course of study; the fees to be charged; the sessions, terms and vacations; and such provisions as may be deemed expedient touching the conduct of students.

7. Every student upon the successful completion of the course of study, upon passing the prescribed examinations, and upon satisfactory compliance with the rules and regulations of the College, shall be admitted to the standing of a Veterinary Surgeon and shall have all the privileges and rights accorded by statute to a Veterinary Surgeon, and there shall be issued to every such student a diploma granting him the title, degree and standing of Veterinary Surgeon, such diploma to be attested by the signature of the Principal of the College and the Minister of Agriculture.

Rights and standing of graduates.

8. The Lieutenant-Governor in Council may by order make provisions whereby in case of the loss or destruction of any diploma issued by the former Agriculture and Arts Association, the former Ontario Veterinary College, Limited, or by the Minister of Agriculture, a duplicate diploma may be issued to the person entitled to the same.

Issue of duplicate diploma in certain cases.

9. It shall be lawful for the Lieutenant-Governor in Council in behalf of the Province to accept, hold and enjoy any gifts, bequests or devises of personal or real property or effects which any person or any government may think fit to make for the purpose of the said College.

Accepting gifts etc., on behalf of College.

10. The Lieutenant-Governor in Council may, if deemed advisable, appoint an Advisory Board to advise and assist the Minister of Agriculture in the management of the College, and may by Order-in-Council prescribe its duties and powers and the amounts to be allowed for the services and expenses of the members of such Board.

Advisory board.

11. The affiliation of the College with the University of Toronto is hereby continued, such affiliation to be only to the extent of enabling the students of the said College to obtain at the examinations of the University such rewards, honours, standing, scholarships, diplomas and degrees in Veterinary Science as the University under its statutes and the Acts of the Legislature in that behalf may be allowed to confer.

Affiliation with University of Toronto, continued.

12. The Principal of the College shall at the close of each year present to the Minister of Agriculture a report upon the work of the College in such form as the Minister may approve, setting forth the staff, the course of instruction, the students in attendance, the examination results, the income

Annual report of Principal.

income and expenditure, and such general information as shall show the work being done, and this report shall be laid before the Legislative Assembly within the first thirty days of the session next ensuing.

Power to  
purchase or  
lease lands, etc.

13. The Lieutenant-Governor in Council may purchase or acquire or lease such buildings and premises as may from time to time be required for carrying on the work of the College.

Lease from  
Andrew Smith  
approved.

14. The lease of the buildings and premises used by the said College from one Andrew Smith to the Minister of Agriculture, as representing His Majesty the King, and bearing date the twenty-eighth day of July, one thousand nine hundred and eight, is hereby approved.

Use of certain  
names  
prohibited.

15. No person or persons, association, company or organization other than is authorized under this Act shall, by advertisement or otherwise, use the name of the Ontario Veterinary College, and no person or persons, association, company or organization shall, by advertisement or otherwise, use any name similar or analogous to that of the Ontario Veterinary College, without first receiving the consent of the Minister of Agriculture in writing.

Penalty.

(a) Any person violating the provisions of this section shall, upon conviction thereof, be subject to a fine not exceeding \$50 and in default of payment thereof be liable to imprisonment for not less than thirty days.

Rev. Stat. c. 184  
s. 1 repealed.

16. Section 1 of *The Act respecting Veterinary Surgeons*, is hereby repealed.

## CHAPTER 97.

## An Act respecting the Town of Aurora.

*Assented to 13th April, 1909.*

**W**HEREAS the Municipal Corporation of the Town of Preamble.

Aurora has by its petition represented that the said Corporation has incurred a floating debt amounting to \$3,600, made up as follows: Repair of damages caused by a cave-in around one of the artesian wells, \$2,000; expenses of outbreak of smallpox, \$800, and purchase of land for site for Columbia Powder Company, Limited, \$800, and that it is desirable that authority should be granted to pay off the floating debt by an issue of debentures extending over twenty years; that owing to a breakage in one of the artesian wells belonging to the said Corporation a sufficient supply of water cannot be obtained and it has become necessary to sink a new well at a cost of \$1,200, and that power should be given to issue debentures to cover such cost; that the said Corporation did on the 18th day of December, 1908, enter into an agreement with the Columbia Powder Company, Limited for the establishment of a factory in the said town to manufacture and compound explosives at a cost of not less than \$1,000, the Company agreeing to employ not less than 20 employees after the first year of operation upon the condition that the said Corporation would lease certain lands to the said Company and exempt the property of said Company from all taxes, except for school purposes, for a period of ten years; and whereas it is desirable that the said agreement and the said purchase of land should be confirmed; and whereas the members of the council of the said town are unanimously in favour of the said agreement; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to borrow \$3,600 to pay floating debt.

1. The Municipal Corporation of the Town of Aurora may pass a by-law or by-laws to borrow upon a special issue of debentures bearing interest at a rate not exceeding 6 per cent. per annum payable yearly, a sum not exceeding \$3,600 to pay the amount of its floating debt, the particulars of which are set out in the preamble hereof.

Power to borrow \$1,200 for cost of new Artesian Well.

2. The said Corporation may pass a by-law or by-laws to borrow upon a special issue of debentures bearing interest at a rate not exceeding 6 per cent. per annum, payable yearly, a sum not exceeding \$1,200 to pay the cost of constructing and sinking a new artesian well.

Debentures, how payable.

3. A portion of the debentures authorized to be issued under the authority of this Act shall be made payable in each year for a period of not more than twenty years from the day of the date of the respective issues thereof and so that the aggregate amount to be levied and payable for the principal and interest in any one year in respect of any debt contracted under this Act by any issue of debentures shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which such debt is to be discharged.

Special rate.

4. The said Corporation shall levy in each year on the whole rateable property in the said town in addition to all other rates to be levied a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act.

Assent of electors not required.

5.—(1) It shall not be necessary to obtain the assent of the ratepayers to the passing of any by-law for the issue of debentures under the authority of this Act, or to observe any of the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, or any amendments thereto.

Irregularity in form not to invalidate.

(2) No irregularity in the form of the said debentures or of any by-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the Corporation for the recovery of the amount of the said debentures or interest or any or either of them or any part thereof.

Purchaser of debentures not bound to see to application of proceeds of debentures.

(3) The purchaser or holder of the said debentures shall not be bound to inquire as to the necessity for the passing of any such by-law or of the issue of such debentures or as to the application of the proceeds thereof.

Application of moneys borrowed.

6. The sums hereinbefore authorized to be borrowed shall, when raised, be used for the respective purposes hereinbefore mentioned and no others.

7.

7. The agreement dated the 18th day of December, 1908, made between the said Corporation and the Columbia Powder Company, Limited, and set out as Schedule "A" hereto is confirmed and declared to be legal, valid and binding on the said Corporation and the ratepayers thereof and on the said Company. Agreement with Columbia Powder Co. confirmed.

8. The purchase by the said Corporation of the following lands, that is to say, all and singular that certain parcel or tract of land and premises situate, lying and being partly in the Town of Aurora and partly in the Township of Whitchurch and being composed of part of original Lot Number Seventy-nine on the east side of Yonge Street and east of the Grand Trunk Railway, comprising three acres, more or less, and described as follows: Commencing at a point where the northerly limit of said Lot Number Seventy-nine meets the easterly limit of the Grand Trunk Railway Company's land, thence easterly along the said northerly limit nineteen chains, more or less, to the land of one James Hill, thence south along the westerly limit of said land one chain and fifty-eight links to a post, thence west parallel to said northerly limit of Lot Number Seventy-nine, nineteen chains, more or less, to the easterly limit of the Grand Trunk Railway Company's land, thence north along said easterly limit one chain, fifty-eight links, more or less, to the place of beginning being the lands mentioned in the said agreement, is hereby validated and confirmed. Purchase of certain lands confirmed.

#### SCHEDULE "A."

This Indenture made in duplicate the 18th day of December, 1908, by and between The Columbia Powder Company, Limited, hereinafter called the "Manufacturers," Party of the First Part, and The Municipal Corporation of the Town of Aurora, hereinafter called the "Corporation," Party of the Second Part.

Whereas the said Manufacturers are a corporation incorporated under and by virtue of the laws of the State of Ohio, one of the United States of America;

And whereas the said Manufacturers were on the 30th day of September, 1908, granted a license for the Province of Ontario, to manufacture and compound explosives, and to sell at wholesale and retail the explosives so manufactured and compounded, to buy and to sell at wholesale and retail all varieties of explosives, their compounds, and the ingredients used in the manufacture of explosives and their compounds;

And whereas the said Manufacturers have made an application to the Corporation of the Town of Aurora, Ontario, to establish within the municipality a factory for the carrying on of any part of or all of the business which by their charter they are empowered to do;

And whereas the said Corporation has agreed to lease to the said Manufacturers the following described lands and premises, being all and singular that certain parcel or tract of land and premises, situate,

situate, lying and being partly in the Town of Aurora, and partly in the Township of Whitechurch, and being composed of part of original lot number seventy-nine, on the east side of Yonge Street, and east of the Grand Trunk Railway, comprising three acres, more or less, and described as follows: Commencing at the point where the northerly limit of said lot number seventy-nine meets the easterly limit of the Grand Trunk Railway Company's land, thence easterly along the said northerly limit nineteen chains, more or less, to the land of one James Hill; thence south along the westerly limit of said land one chain and fifty-eight links to a post; thence west, parallel to said northerly limit of lot number seventy-nine, nineteen chains more or less, to the easterly limit of the Grand Trunk Railway Company's land; thence north along said easterly limit one chain fifty-eight links, more or less, to the place of beginning, for the term of twenty-one years from the date hereof, at an annual rental of one dollar, for the purpose of erecting and constructing thereon any and all buildings which may be necessary or convenient, and of any material which the Manufacturers may desire, for the purpose of carrying out the powers granted to them under their charter as aforesaid;

And whereas the said Corporation has further agreed in consideration of the erection of the plant herein mentioned, to exempt said Manufacturers from any and all taxes, levies, rates and assessments (save and except school taxes), for a period of ten years from the date hereof, and also to furnish said Manufacturers with all water which they may require in the erection of and operation of their plant for the said period of ten years, and to lay, maintain and repair such water pipes and water mains to their said plant as may be necessary to supply said building or buildings erected upon said premises with water, free from all costs and charges, upon the terms and conditions hereinafter set forth;

Now, therefore this agreement witnesseth, that the said Manufacturers and Corporation have mutually agreed one with the other as follows—

1. The Corporation agrees to and by these presents, does hereby lease to the said manufacturers, their successors and assigns for a period of twenty-one years from the date hereof at an annual rental of one dollar, the following described lands and premises, to wit—Being all and singular that certain parcel or tract of land and premises situate, lying and being partly in the Town of Aurora, and partly in the Township of Whitechurch, and being composed of part of original lot number seventy-nine on the east side of Yonge Street, and east of the Grand Trunk Railway, comprising three acres more or less, and described as follows:—Commencing at the point where the northerly limit of said lot number seventy-nine meets the easterly limit of the Grand Trunk Railway Company's land; thence easterly along the said northerly limit nineteen chains, more or less, to the land of one James Hill; thence south along the westerly limit of said land one chain and fifty-eight links to a post; thence west, parallel to said northerly limit of lot number seventy-nine, nineteen chains more or less, to the easterly limit of the Grand Trunk Railway Company's land; thence north, along said easterly limit, one chain fifty-eight links, more or less, to the place of beginning.

2. The said Corporation further agrees to furnish the said Manufacturers with all water which they may require in the erection and operation of their plant for a period of ten years from the date hereof, and to lay, maintain and keep in repair, any and all pipes and water mains as may be necessary to supply said building or buildings erected upon said premises with water free from all costs and charges; the said pipe or pipes to be laid by said Corporation, to connect said building or buildings with the water mains used in supplying said town with water.



3. The said Corporation further agrees to exempt said Manufacturers from any and all taxes, levies, rates and assessments (save and except school taxes), for a period of ten years from the date of these presents.

4. The said Manufacturers agree that they will on or before the 1st day of January, 1909, commence the erection, upon the site hereinbefore described, of a factory suitable for the manufacture of explosives, and at a cost and to the value of not less than \$1,000, and that they will also equip said factory with all necessary machinery that may be required for the purpose of manufacturing explosives, the said factory to be complete and fully equipped for manufacturing purposes on or before the 1st day of July, 1909.

5. The said Manufacturers further agree that the said factory will be of sufficient extent and capacity to require the employment of, at least ten employees.

6. The said Manufacturers further agree that they will carry on the business of manufacturing explosives and other compounds in their said factory in the said Town of Aurora for a period of twenty-one years from the date of this agreement, unless in the case of fire, accident, strikes, act of God, or for any other cause over which said Manufacturers have no control, and in any such case operation or work shall be resumed as soon as possible thereafter, not exceeding three months in case of total loss by fire or explosion.

7. The said Manufacturers agree with the Corporation that they will, during the first year their factory is in operation employ at least ten hands, and every year thereafter during the continuance of this lease, employ not less than twenty employees in and about said factory.

8. Said factory shall be operated at least ten months in every year except in the event of the happening of fire or other cause as set forth in paragraph six of this agreement, and all employees shall be residents of the Town of Aurora, and the said Manufacturers agree that on demand by the clerk or mayor of the Corporation at any time they will make a statutory declaration showing the number of hands employed by them. It is understood, however, that the Manufacturers shall not be compelled to employ the number of hands required herein during any stoppage or interruption of the works as provided for in paragraph six of this agreement.

9. It is understood and agreed if at any time any part of said factory, lands, buildings, plant and appliances used in connection with said manufacturing business, shall cease to be used by said Manufacturers in their said business, that such part of said factory, lands, buildings, plant and other appliances as shall so cease to be used by them in said manufacturing business or in connection therewith shall be assessed separately, and full taxes shall be paid thereon to the said Corporation so long as they shall cease to be used in said manufacturing business.

10. The said Manufacturers further agree that they will at all times well and truly save, defend and keep harmless and fully indemnify the said Corporation from any and all losses, costs, charges, damages and expenses to property from explosion or otherwise owned by said Corporation as a result of the establishment and operation of said factory within the municipality.

11. The said Manufacturers hereby agree to carry out and faithfully perform all the terms, conditions and provisions of this agreement and upon default or violation thereof the Corporation may, at its option, terminate and cancel said lease upon thirty days' notice to said Manufacturers, and in the event of the termination of said lease by said Corporation as aforesaid all the buildings erected upon the demised premises shall become the property of the Corporation, provided, however, that said Manufacturers may at any time before the expiration of the thirty days'

days' notice herein mentioned, relieve themselves from the operation of said forfeiture of their plant by purchasing from said Corporation the lands herein leased to them for the sum of \$600.00 to be paid said Corporation.

12. It is further agreed by and between the parties hereto, that at any time during the continuation of this lease or any renewal period thereof, the Manufacturers may purchase the property herein described from the said Corporation for the sum of six hundred dollars (\$600.00), and in the event of such purchase before the expiration of the ten years mentioned herein, the said Manufacturers shall be entitled to the same exemption with regard to taxes and the use of water that they would have should they elect to continue under this lease for the said period of ten years, and shall also be subject to the other conditions so far as the same affect the Corporation.

13. It is further agreed that the Manufacturers may at their option have a renewal of this lease for a further period of twenty-one years from the expiration thereof, at the same rental and under the same conditions as herein set forth.

14. At the expiration of this lease or any renewal period thereafter the Manufacturers shall have the right to remove any and all buildings erected by them upon the premises herein described within a reasonable time from the expiration of this lease or any renewal period thereafter.

In witness whereof the parties hereto have set their hands and seals in duplicate the day and year first above written.

Signed, sealed and delivered

in the presence of

Witness:

FRANK BUTLER. (Seal).

COLUMBIA POWDER COMPANY.

M. J. HOYMS,

President.

WM. J. REILLY,

Secretary.

W. J. BALDWIN,

Mayor.

(Seal).

S. H. LUNDY,

Clerk.

## CHAPTER 98.

## An Act respecting the Town of Blenheim.

*Assented to 13th April, 1909.*

**W**HEREAS the Corporation of the Town of Blenheim has by petition represented that the Council of the said Corporation did on or about the 14th day of January, A.D. 1895, pass (with the consent of the electors thereto) By-law No. 257 intituled "A By-law to provide for certain improvements, walks and services being paid by assessments on the property benefited"; and whereas also the said Council did on or about the 11th day of March, A.D. 1895, pass a By-law No. 260, intituled "A By-law respecting local improvements and assessments therefor"; and whereas the said Council did in pursuance of said By-law No. 260 on the 18th day of December, 1906, pass By-law No. 388, intituled "A By-law respecting certain local improvements in the Town of Blenheim"; and whereas the said Corporation has further represented that the said By-laws Nos. 260 and 388 should be confirmed in order that the debentures authorized to be issued under the said By-law No. 388 may be more readily disposed of and to facilitate the sale thereof, and has prayed that an Act be passed confirming and validating said By-laws Nos. 260 and 388, and the debentures to be issued under said By-law No. 388; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 260 passed March 11th, 1895, and By-law No. 388 passed December 18th, 1906, of the Town of Blenheim, and all debentures issued or to be issued thereunder, and all assessments made or to be made, for the payment thereof, are confirmed and declared to be legal, valid and binding.

By-laws Nos.  
260 and 388  
confirmed.

CHAPTER

## CHAPTER 99.

## An Act respecting the City of Brantford.

*Assented to 13th April, 1909.*

Preamble.

WHEREAS the Municipal Council of the City of Brantford has by petition represented that it has passed By-law Number 798, relating to sanitary sewers, and By-law Number 1,013, respecting Storm Sewers, built as local improvements, and desires that same be confirmed; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Nos.  
798 and 1013  
confirmed.

1. By-laws Numbers 798 and 1,013 of the said Corporation of the City of Brantford, set out in Schedules "A" and "B" hereto respectively, and all debentures issued or to be issued thereunder, and all assessments made or to be made for the payment thereof, are hereby validated and confirmed.

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SCHEDULE "A."

BY-LAW No. 798.

Of the Municipal Corporation of the City of Brantford, to amend By-law No. 433, relating to sewers.

Whereas, it is expedient to provide an equitable mode of assessing corner lots for sewers constructed as local improvements; and Whereas, in order to make such equitable assessment it is necessary to amend By-law No. 433.

Be it enacted therefore, by the Municipal Council of the Corporation of the City of Brantford, and it is hereby enacted, as follows:—

1. That the following clause be added as subsection "a" of section 8 of By-law No. 433;

(a) Where any property abuts upon two or more streets, the same shall be deemed to front on all of said streets.

2.

2. That clauses "a" and "b" of section 12 of By-law No. 433 are hereby repealed, and the following are enacted as clauses "a" and "b" of said section 12:—

(a) In every case in which a sewer is constructed upon two sides of a corner lot, such corner lot shall be assessed for its total frontage on the street upon which its greatest frontage abuts.

(b) The words "corner lot" where used in this By-law shall be deemed to mean and include only the subdivision or tenement which includes the corner.

Passed on this 25th day of April, 1904.

(Seal.)

M. K. HALLORAN,

Mayor.

H. F. LEONARD,

City Clerk.

#### SCHEDULE "B."

##### BY-LAW No. 1013.

Of the Corporation of the City of Brantford, Respecting Assessments for Storm Sewers built as Local Improvements.

Whereas, it is desirable to provide a uniform tax through the City of Brantford for the construction of Storm Sewers, and to provide an equitable mode of assessing corner lots.

Therefore, the Municipal Council of the Corporation of the City of Brantford enacts as follows:—

1. From and after the passing of this By-law, it shall and may be lawful for the Board of Works, under the sanction and by the order of the Municipal Council of the City of Brantford to construct storm sewers on such streets and lanes or highways of the City of Brantford, and through private property in said city, as they may deem necessary for drainage purposes. Provided that no storm sewer shall be constructed except upon the affirmative vote of two-thirds of the members of the council present at a meeting at which the same is considered, unless said sewer is petitioned for or recommended under the initiative plan, according to the provisions of the Consolidated Municipal Act, and unless in the latter case, no sufficient petition is presented against the construction of the same.

2. All private sewers to be constructed to connect with the said storm sewers, shall be of such arrangement, form, material and construction, and shall connect with the said storm sewers in such a manner and at such parts thereof, and under such rules and regulations as the council may from time to time prescribe, and no person, firm or corporation shall make any attempt to uncover any storm sewer or house sewer or make any connection therewith, unless by permission of the city engineer.

3. No person, firm or corporation shall injure, break or remove any portion of the storm sewer system or its appurtenances, or throw or deposit or cause to be thrown or deposited in any storm sewer opening or receptacle connected with the storm sewer system, any matter or thing except storm water.

4. The City Engineer shall have the power to stop and prevent discharging into the storm sewer system any private sewer or drain into which substances are discharged which are liable to injure the sewers or obstruct the flow of the same.

5. Every owner of property, which is drained into any of the main storm sewers and every owner of property in front of which a storm sewer is constructed as a local improvement, shall pay a uniform tax of one dollar and two cents (\$1.02) per foot frontage on each assessable foot of the frontage of his property. Such amount shall be paid in twenty equal annual instalments of eight cents (.08c.) per foot frontage, being a sum sufficient to pay both interest and sinking fund for that amount, and the said instalment shall

shall be payable at the same time as ordinary taxes are payable, but the City Treasurer may commute the said payments for a payment in cash, as in the case of other local improvements.

6. Any person or persons or corporation desirous of connecting his or their property with any storm sewer for which the property has not been assessed, shall be assessed the same frontage tax as if the sewer were constructed in front of said property, and payment shall be made at the same time and in the same manner and for a like number of years, as the payments for property in front of which the storm sewer is constructed.

7. Any property thus assessed for the privilege of connecting with any sewer, shall be exempt from any assessment for any sewer constructed on the street in front of said property.

8. The payments aforesaid shall be put on the collector's roll and collected with the said city taxes against said respective properties.

9. That corner lots shall be assessed for storm sewers constructed as local improvements in the following manner:—

(a) Where any property abuts upon two or more streets, the same shall be deemed to front on all of said streets.

(b) In every case in which a storm sewer is constructed upon two sides of a corner lot, such corner shall be assessed for its total frontage upon the street upon which its greatest frontage abuts.

(c) The words "corner lot" where used in this By-law shall be deemed to mean and include only the subdivision or tenement which includes the corner.

(d) If a corner lot is a triangular or irregular shaped piece of land or otherwise so situated as to make portions of the same unfit for building purposes, such allowance shall be made, having due regard to the situation, value and superficial area of such lot as compared with the adjoining lots or pieces of land, as the City Engineer may deem just and equitable.

10. That the cost of any storm sewer in excess of the total amount assessed therefor in accordance with clause five, shall be borne by the city.

11. Storm water connecting sewers shall be constructed by the city between the street sewers and the property line, upon application being made to the City Engineer for such connecting sewers by the owner of any lot assessed for a sewer, provided that such application is made at the time the street sewer is being constructed, or before a permanent pavement is placed on said street.

Passed this first day of March, 1909.

(Seal.)

(Sgd.) W. B. Wood,  
Mayor.

(Sgd.) H. F. LEONARD,  
City Clerk.

## CHAPTER 100.

An Act to confirm By-laws No. 815 and No. 250 of  
the City of Chatham.

*Assented to 13th April, 1909.*

**W**HEREAS the City of Chatham has by petition repre-<sup>Preamble.</sup>  
sented that By-law No. 815 of the said Corporation, a  
copy of which is set out as Schedule "A" hereto, was duly  
passed with the assent of the ratepayers on the 25th day of  
February, 1904, authorizing the said Corporation to loan  
to The Chatham, Wallaceburg and Lake Erie Railway  
Company the sum of \$50,000, to aid the said Company in  
the construction of their railway, and for that purpose to  
issue debentures for the said sum of \$50,000, in two  
instalments of \$35,000 and \$15,000 respectively. That  
the instalment of \$35,000 should be issued within two years  
after the passing of the said By-law, but that the same  
should not be issued until the said Company should have  
expended not less than \$50,000 in the construction of its  
Head Office, chief car shops, repairing houses, power  
house and car barns in the City of Chatham and should  
have constructed its railway on certain streets in the said  
City and have completed the construction thereof from  
Chatham to Wallaceburg. That the instalment of \$15,-  
000 should be issued within five years from the passing  
of the said By-law, but that the same should not be issued  
until the said Company should have completed the con-  
struction of its said railway from Chatham to Lake Erie.  
That the said by-law authorizes the entering into of an  
agreement with the said Company for the granting of the  
said loan and that pursuant thereto an agreement for that  
purpose was duly entered into. That the said Company has  
in all respects performed the terms and conditions of the  
said by-law and of the said agreement, except that owing  
to unavoidable difficulties the said company was unable to  
complete the construction of its said railway from Chatham  
to Wallaceburg, within the said two years from the passing  
of the said by-law. That the said Company is justly entitled  
to receive the said loan and the said Corporation desires to  
raise the said sum of \$50,000 and pay over the same, but  
that

that owing to the construction of the said railway from Chatham to Wallaceburg not having been completed within the said two years, the debentures for the said instalment of \$35,000 were not issued within the said time and the provisions of *The Consolidated Municipal Act, 1903*, prevent the said debentures being issued at a later time. That the said Corporation on the 23rd day of June, 1908, passed their said by-law No. 250, a copy of which is set out as Schedule B. hereto, amending said By-law No. 815, by increasing the rate of interest on the debentures to be raised thereunder from four per centum to five per centum per annum and increasing the sum to be raised annually sufficiently to pay the interest at the increased rate, in order that said debentures might be sold to realize the said sum of \$50,000. That each of the said by-laws has been approved of by The Ontario Railway and Municipal Board. The said Corporation has further represented that the said Company is now entitled to receive the said instalment of \$15,000 and that it will add to the commercial value of the said debentures to issue the same all at one time in one consecutive issue of one or more series payable in thirty annual instalments during the thirty years next after the issue thereof, and that the rate for payment of the same may be levied in said years, and the said Corporation has prayed that the said by-laws may be revived and confirmed and that the debentures authorized to be issued thereunder may be issued in manner aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws 815  
and 250 con-  
firmed.

1. By-law No. 815 of the Corporation of the City of Chatham, set out as Schedule "A" hereto, as amended by By-law No. 250, of the Corporation of the City of Chatham set out as Schedule "B." hereto, is revived, confirmed and declared to be legal, valid and binding on the said Corporation and the ratepayers thereof, and the said By-law No. 250 set out as Schedule B. is confirmed and declared to be legal, valid and binding on the said Corporation and the ratepayers thereof.

Time for issue  
of debentures.

2. Debentures of the Corporation of the City of Chatham to the amount of \$50,000 may be issued under and pursuant to said by-law No. 815 as amended by said by-law No. 250, within three months after the passing of this Act. Such debentures shall be dated and issued all at one time in one consecutive issue in one or more series and shall be payable in thirty annual instalments during the thirty years next after the issue thereof. Such debentures shall be legal, valid and binding upon the Corporation of the City



City of Chatham and the ratepayers thereof, and it shall not be necessary for the purchasers of such debentures to inquire into the performance of any conditions respecting the issue of the same.

3. The rates set forth in the said by-laws to provide for the payment of the principal and interest of the debentures hereby authorized to be issued shall be levied and collected annually for thirty years during the currency of the said debentures. Levy of rates.

#### SCHEDULE "A."

##### BY-LAW No. 815.

A By-law to authorize the Municipal Corporation of the City of Chatham to lend the Chatham, Wallaceburg and Lake Erie Railway Company the sum of \$50,000.00, and to provide for the issue of debentures of the said City to that amount, and to raise the sum required therefor.

Provisionally adopted the 11th day of December, 1903.  
Finally passed the 25th day of January, 1904.

Whereas by an Act of Parliament of Canada passed in the third year of His Majesty's reign, and entitled *An Act to Incorporate the Chatham, Wallaceburg and Lake Erie Railway Company*, power was granted to the said Company to lay out, construct and operate a line of electric railway in and from the City of Chatham to the Town of Wallaceburg, and in and from the City of Chatham, to a point on the shore of Lake Erie, at or near Rond Eau, together with other extensions provided for in the said Act, and the said Company proposes to construct and operate the said railway and extensions;

And whereas under the provisions of *The Consolidated Municipal Act, 1903*, the council of the City of Chatham is empowered to pass a by-law to lend money to the said Company, and to issue debentures to raise money for such purpose upon the assent of the duly qualified electors being obtained thereto, as provided in the said *Consolidated Municipal Act, 1903*.

And whereas the said Company have applied to the said council for a loan of \$50,000.00, to be applied in the construction of said railway, upon the security, terms and conditions, following, that is to say:—

1. The head office of the Company and its chief car shops, repairing houses, power house, and car barns shall be established and remain in Chatham, and the motive power of the road shall be electricity, and not steam.

2. The Company shall expend not less than \$50,000 in the erection and equipment of such power house, car shops, car barns, repairing house and head office, to be established and remain in the City of Chatham.

3. The said railway shall extend from Wallaceburg to the south side of the River Thames, in the City of Chatham, and shall be constructed and completed across the said River Thames, so that all bridging, whether by a new bridge or by the Company strengthening and using the Third Street bridge, in the City of Chatham, shall be included in the work and operations of the Company.

4. The railway shall enter the city from the north side by the Dover and Chatham townline, and some one or more of the following streets:—St. Clair, Dover, Union Street, Thames Street or such

such other street or streets as may be agreed upon between the council and the Company; thence along King, William, McLean, Queen, Third, Fourth, Raleigh, Lacroix or Wellington Streets, or such other streets as may be agreed upon to pass through the city or to make connection with the Canadian Pacific Railway station and the Grand Trunk Railway station or either of them; but where the railroad shall pass or be laid upon the pavement of any narrowly paved streets, such as Third Street, the pavement shall be widened along such narrowly paved streets where said railroad passes to a distance corresponding to the amount of such pavement which may be used or required for the purpose of the said railway, and such widening shall be at the expense of the said railway company.

5. No exclusive right shall be granted to the said Company on any streets in the city, but the Company shall have a perpetual franchise on such of the said streets as the Company may use in carrying its road through the city to the south in order to reach Lake Erie. The right of the Company to construct and operate its railway on any other street in the said city shall not be perpetual, but shall be regulated from time to time upon such terms, conditions, length of time and otherwise as the council of the said city may agree upon, when the Company may contemplate constructing and operating its railway on any other street in the said city.

6. Any other company, chartered or authorized to build or operate a street railway in or upon any of the streets in Chatham shall have running power upon or over the track of this Company, and such running power shall be regulated as to the right of way, rental, precedence, future repair of the common way and otherwise as may be agreed upon by the two or more companies or as may be settled, in default of an agreement, by arbitration, or by the Railway Committee of the Privy Council, but such settlement or arbitration shall not be a condition precedent to the right to run upon or over the track of the present Company.

7. The Company shall on streets already paved, or which may hereafter be paved, pave and keep paved and in repair under the direction and to the satisfaction of the engineer of the City of Chatham, that portion of the highway between its rails and for eighteen inches on the outside of each rail, and the rails shall be so laid and maintained in or upon the streets that they shall not impede or incommode travel or the ordinary use of the streets.

8. Before work is commenced on any section or portion of the Company's railway in the said City of Chatham, the plans setting forth the proposed location of the Company's tracks shall be submitted to the engineer of the said city for approval, and the same shall not be altered thereafter without the consent of the said engineer, and the track of the said Company shall not be laid or work done by the Company upon any of the streets of the said city until the engineer of the said city has approved of the location of the same.

9. In or in consequence of the occupation or use of any of the said streets of the said city or any portion or portions thereof, by the said Company, its servants, officers, agents, contractors, or employees, during the progress, construction or operation of the said works or consequent thereupon, the said city shall not be held responsible for any accidents or loss or damages that may occur or arise through or by reason of the construction or operation of the said railway or consequent thereupon or through or by reason of any act, matter or thing done, omitted or occasioned, either directly or indirectly by the said Company or its servants, agents, officers, contractors or employees, and the said Company shall indemnify and save harmless the said city from all loss, costs or damages occasioned or arising as aforesaid.

10. The said Company shall within two years from the final passing of this by-law, commence the construction of that portion of the said railway within the limits of the said City of Chatham

to the Town of Wallaceburg, the estimated distance being seventeen miles; and shall thereafter continue such construction without unnecessary interruption or delay.

11. The said Company shall secure the said Corporation of the City of Chatham for the said loan in the following manner:—As to the sum of \$35,000, portion of said loan of \$50,000, to be advanced by the city to the Company as hereinafter mentioned, the Company shall before such \$35,000 is advanced by the city, furnish to the city security for repayment of such \$35,000 principal money to the city, which security shall be that of a trust company satisfactory to the council of said city or other security satisfactory to said council, and in a similar manner as to the sum of \$15,000, portion of said loan of \$50,000 to be advanced by the city to the Company as hereinafter mentioned; the Company shall before such \$15,000 is advanced by the city, furnish to the city security for repayment of such \$15,000 principal money to the city, which security shall be that of a Trust Company satisfactory to the council of the said city, or other security satisfactory to said council.

12. The sum of \$35,000.00, a portion of said loan of \$50,000.00, shall be paid to the Company by the city when the railway from the City of Chatham to the Town of Wallaceburg shall be fully completed and in operation, and when the Company shall have expended at least \$50,000.00 in establishing the said power house, car shops, car barns, repairing house and head office in the City of Chatham, and the said Company shall have furnished security satisfactory to the said city, as aforesaid, and thereafter the balance of \$15,000.00 of said loan shall be paid to the said Company when the railway from the City of Chatham to Lake Erie shall be completed and in operation, and the said Company shall have furnished security satisfactory to the said city as aforesaid. The principal money of each of said instalments of \$35,000.00 and \$15,000 respectively shall be repaid without interest in twenty-five equal annual consecutive instalments. The first of such annual instalments shall become due and repayable in each case, at the expiration of five years from the date at which the said moneys shall be paid by the city to the Company.

And whereas it is desired to authorize the entering into an agreement on the part of the Corporation with the said Company, providing for the making of the said loan upon the terms and conditions above set forth;

And whereas in order to carry out such agreement on the part of the Corporation, and for the purpose of making the said loan, the council of the said Corporation have deemed it advisable to issue and sell debentures of the Corporation for the sum of \$50,000.00, but the said council have deemed it inadvisable to have large portions of the proceeds of such debentures in hand and unused and uninvested, while portions of said railway shall remain uncompleted, and the said council have deemed it to the advantage of the municipality to issue the said debentures in instalments of \$35,000 and \$15,000, respectively, repayable in thirty equal annual payments, including principal and interest, that is to say:—The first instalment of said debentures to the amount of \$35,000, shall not be issued until the completion and operation of that portion of the said railway within the limits of the City of Chatham, and extending from the City of Chatham to the Town of Wallaceburg, and the second instalment of said debentures to the amount of \$15,000 shall not be issued until the completion and operation of that portion of said railway extending from the City of Chatham to Lake Erie;

And whereas it will require the sum of \$2,024.05 for principal, and \$ interest to be raised annually for the payment of such first instalment of debentures, amounting to \$35,000.00 and interest, and it will require the sum of \$867.45 for principal and \$ interest to be raised annually for the payment of the second instalment of debentures amounting to \$15,000.00 and interest:

And

And whereas the amount of the whole rateable property of the municipality according to the last revised assessment roll is \$3,764,234;

And whereas the amount of the existing debenture debt of the said municipality is \$477,815.80 (exclusive of local improvement rates or special tax rates or assessments) and no principal or interest is in arrear;

Therefore, the Municipal Council of the Corporation of the City of Chatham, enacts as follows:—

1. That the municipal council of the said city shall loan the said Company the said sum of \$50,000, to be payable to the said Company in instalments of \$35,000 and \$15,000, as aforesaid, and upon the terms and conditions hereinbefore set forth and not otherwise, and the mayor and clerk are hereby authorized to execute an agreement on the part of the Corporation binding the said Corporation to lend said amounts upon the terms and conditions aforesaid.

2. That for the purpose of raising the said sum of \$35,000, the mayor and treasurer of the said Corporation may issue and sell the first instalment of debentures of the said Corporation to the amount of \$35,000, as aforesaid, in sums of not less than twenty dollars each, all at one time within two years after the passing of this by-law, each of which debentures shall be dated on the date of issue thereof, and shall be payable within thirty years thereafter at the Standard Bank of Canada in the said City of Chatham.

3. That for the purpose of raising the said sum of \$15,000, the mayor and treasurer of the said Corporation may issue and sell the second instalment of debentures of the said Corporation to the amount of \$15,000, as aforesaid, in sums of not less than twenty dollars each, all at one time within five years after the final passing of this by-law, each of which debentures shall be dated on the date of issue thereof, and shall be payable within thirty years thereafter at the Standard Bank of Canada in the said City of Chatham.

4. Each of the said debentures shall be signed by the mayor of the said City of Chatham or by some other person authorized by by-law to sign the same, and by the treasurer of the said City of Chatham, and the clerk shall attach thereto the corporate seal of the said Corporation.

5. The first instalment of such debentures shall bear interest at the rate of four per centum per annum, payable yearly, and shall be payable in such amounts and at such times that the aggregate amount payable for principal and interest in any year in respect of the debt shall be equal as nearly as may be to what is payable for principal and interest during each of the other twenty-nine years of said period.

6. The second instalment of said debentures shall bear interest at the rate of four per centum per annum payable yearly, and shall be payable in such amounts and at such times that the aggregate amount payable for principal and interest in any year in respect of the debt shall be equal as nearly as may be to what is payable for principal and interest during each of the other twenty-nine years of said period relating to said second instalment of debentures.

7. During the currency of said first instalment of debentures amounting to \$35,000.00 there shall be raised annually by special rate on all rateable property in the said City of Chatham the sum of \$2,024.05 for the purpose of paying the amount due in each of the thirty years for principal and interest in respect of the said portion of said debt.

8. During the currency of said second instalment of said debentures amounting to \$15,000, there shall be raised annually by special rate on all rateable property in the City of Chatham, the sum of \$867.45 for the purpose of paying the amount due in each of the said thirty years for principal and interest in respect of the said second instalment of said debt.

9. This by-law shall take effect on the passing thereof.

10. The votes of the electors of the said City of Chatham shall be taken on this by-law at the following times and places, that is to say:—

On Monday, the 4th day of January, A. D. 1904, commencing at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day, by the following deputy returning officers:—

In and for polling sub-division No. 1, at the wagon shop of J. D. Thompson, north side of Head Street, by Joseph Northwood, deputy returning officer.

In and for polling sub-division No. 2, at the office of Scott Bros., near corner Head and Thames Streets, by John Rice, deputy returning officer.

In and for polling sub-division No. 3, at the police station, south side Thames Street, by Robert Bruncker, deputy returning officer.

In and for polling sub-division No. 4, at the grocery of W. T. Cornish, corner Murray and Adelaide Streets, by David Holmes, deputy returning officer.

In and for polling sub-division No. 5, at the residence of Mrs. Henry Etches, north side Colborne Street, by Isaac Smith, deputy returning officer.

In and for polling sub-division No. 6, at the grocery of C. T. Cherry, corner of King and Princess Streets, by W. O. Bentley, deputy returning officer.

In and for polling sub-division No. 7, at the old town hall, Market Square, by Arthur Richardson, deputy returning officer.

In and for polling sub-division No. 8, at the tailor shop of James A. Gordon, east side Fifth Street, by James Richardson, deputy returning officer.

In and for polling sub-division No. 9, at the office of J. and J. Oldershaw, north side King Street, by Arthur Dunn, deputy returning officer.

In and for polling sub-division No. 10, at the grocery of J. Rhody, corner of Raleigh and Cross Streets, by C. R. Hancock, deputy returning officer.

In and for polling sub-division No. 11, at the store of Willard McKay, corner Queen and Richmond Streets, by John Turner, deputy returning officer.

In and for polling sub-division No. 12, at the residence of Mrs. Carrie Calmeyn, corner Queen and Gray Streets, by John R. Snell, deputy returning officer.

In and for polling sub-division No. 13, at the residence of J. A. Sissons, corner William and Witherspoon Streets, by W. A. Wilson, deputy returning officer.

In and for polling sub-division No. 14, at the bakery of Joseph Waterhouse, corner Park and Scane Streets, by J. C. Richards, deputy returning officer.

In and for polling sub-division No. 15, at the residence of Patrick Kelly, corner Park Avenue and Pine Streets, by J. C. Northwood, deputy returning officer.

On Thursday, the 31st day of December, A. D. 1903, the mayor of the said City of Chatham shall attend at the city clerk's office, in Harrison Hall, in the said city, at two o'clock in the afternoon, to appoint persons to attend at the various polling places aforesaid, and at the final summing up of the vote by the clerk on behalf of the persons interested and promoting or opposing the said passing of this by-law respectively.

The clerk of the council of the City of Chatham shall attend at his office in Harrison Hall, in said City of Chatham, at two o'clock on the afternoon of Thursday, the 7th day of January, 1904, to sum up the number of votes for and against the by-law.

W. E. McKERRIGH,  
Mayor.

W. G. MERRITT,  
Clerk.  
SCHEDULE

(Seal).

## SCHEDULE "B."

## BY-LAW No. 250 OF THE CORPORATION OF THE CITY OF CHATHAM.

A By-law to amend By-law No. 815, being "A By-law to authorize the Municipal Corporation of the City of Chatham to lend the Chatham, Wallaceburg and Lake Erie Railway Company the sum of \$50,000, and to provide for the issue of debentures of the said City to that amount, and to raise the sum required therefor."

Finally passed the 23rd day of June, A. D. 1908.

Whereas the debentures authorized by said By-law No. 815 have been duly offered for sale by the Corporation, but the same cannot be sold or disposed of except at a discount involving a substantial reduction in the amount required to be raised and provided for the purposes of the said By-law No. 815;

And whereas it is deemed expedient, and it is necessary, to increase the rate of interest payable on such debentures issued under the said By-law No. 815 from four per centum per annum to five per centum per annum, to enable this Corporation to make sale or disposal of said debentures at a price which will not involve a substantial reduction in the said amount so required to be raised thereunder for the purposes of the said By-law No. 815;

Therefore, the Municipal Council of the Corporation of the City of Chatham enacts as follows:—

1. That the said By-law No. 815 be and the same is hereby amended by striking out the word "four" where the same occurs in clauses 5 and 6 of the enacting clauses of said By-law No. 815, and substituting therefor the word "five" in each case; so as to make the debentures authorized by the said By-law No. 815 to bear interest at the rate of five per centum per annum, instead of four per centum per annum, as therein provided for.

2. That the said By-law No. 815 be and the same is hereby further amended by striking out the figures and sum "\$2,024.05," wherever the same occurs in said By-law No. 815, and substituting therefor in each case, the figures and sum "\$2,276.80."

3. That the said By-law No. 815 be and the same is hereby further amended by striking out the figures and sum "\$867.45," wherever the same occurs in said By-law No. 815, and substituting therefor in each case the figures and sum "\$975.77."

4. This by-law shall take effect on the day of the final passing thereof, but subject to the approval thereof by the Ontario Railway and Municipal Board, in conformity with the Statute in that behalf.

THOS. SCULLARD,  
Mayor.

W. G. MERRITT,  
Clerk.

(Seal).

## CHAPTER 101.

## An Act respecting the Town of Collingwood.

*Assented to 13th April, 1909.*

WHEREAS the Municipal Corporation of the Town of Collingwood has by petition represented that by an agreement dated the twentieth day of November, 1902, the said Town of Collingwood agreed to grant a cash bonus to William John Lindsay and his assigns to assist in the establishment of an industry for the manufacture of wire, wire nails and wire fencing, and By-law No. 623 to raise the amount of said bonus was on the 5th day of January, 1903, submitted to and approved of by the qualified ratepayers as required by *The Municipal Act*; that the said William John Lindsay has, with the consent of the said Corporation, assigned all his interest in the said bonus to the Imperial Steel & Wire Company, Limited; that in pursuance of the said agreement the said Company purchased a suitable site for the said industry and expended therefor and in the erection of buildings, plant and machinery one hundred thousand dollars and upwards; and whereas on the fifth day of May, 1908, the said Corporation and the said Company entered into an agreement to relieve the said Company from the obligation to erect and equip buildings for the manufacture of wire fencing, and to substitute therefor buildings, plant and machinery for the manufacture of wire weaving, and to fix the assessment of the said industry at the sum of fifty thousand dollars, and the said Corporation duly passed a by-law confirming said agreement; and whereas the said Corporation has further represented that under the Act passed in the third year of the reign of His Majesty King Edward VII., Chaptered 46, debentures of the said Corporation are made repayable by equal annual instalments of principal and interest during a period of thirty-five years from the issue thereof, and that it is desirable to make them repayable in thirty years; and whereas the said Corporation has further represented that on the ninth day of December, 1908, an agreement was entered into with the Collingwood Shipbuilding



Shipbuilding Company, Limited, for the sale to the Company of certain land on the water front, and for the lease of certain other land, to enable the said Company to build further docks and extend its business, and in the said agreement the Corporation agreed to exempt the said Company from ordinary municipal taxes, and to fix the assessment on the lands so sold and leased for school purposes at the sum of twenty-five thousand dollars, and By-law No. 721 of the said Corporation for the purpose of carrying out the said agreement was submitted to the qualified ratepayers on the fourth day of January, 1909, and approved as required by *The Consolidated Municipal Act, 1903*; and whereas the said Municipal Corporation has prayed that an Act may be passed confirming and validating the said agreements and by-laws; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement  
between town  
and W. J.  
Lindsay con-  
firmed.

1. The agreement entered into between the Municipal Corporation of the Town of Collingwood and William John Lindsay, bearing date the twentieth day of November, 1902, set out in Schedule "A" to this Act, is ratified and confirmed, and is declared legal in so far as it does conflict with the agreement set out in Schedule "C."

By-law No. 623  
confirmed.

2. By-law number 623 of the Municipal Corporation of the Town of Collingwood, set out in Schedule "B" to this Act, is declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof, notwithstanding any want of jurisdiction in the said municipality to pass such by-law, and notwithstanding any defect in substance or in form of said by-law, or in the manner of passing the same.

Agreement  
between town  
and Imperial  
Steel & Wire  
Co. confirmed.

3. Subject to section 9, the agreement entered into between the Municipal Corporation of the Town of Collingwood and the Imperial Steel & Wire Company, Limited, bearing date the fifth day of May, 1908, which agreement is set out in Schedule "C" to this Act, is ratified and confirmed, and is declared legal.

By-law No. 705  
confirmed.

4. By-law number 705 of the Municipal Corporation of the Town of Collingwood, set out in Schedule "D" to this Act, is declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof, notwithstanding any want of jurisdiction in the said municipality to pass such by-law and notwithstanding any defect in substance or in form of said by-law, or in the manner of passing the same.



5. Sections 4 and 5 of the Act passed in the third year <sup>3 Edw. VII.,</sup> of the reign of His Majesty King Edward VII., Chaptered <sup>c. 46, ss. 4 and</sup> 46, are hereby amended, by striking out the words "thirty-five" wherever they appear in the said sections and inserting in lieu thereof the word "thirty."<sup>5 amended.</sup>

6. The form of by-law set forth in said Act as Schedule <sup>Form of by-law</sup> "BB" is amended by striking out the words "thirty-five", <sup>amended.</sup> wherever they appear and substituting therefor the word "thirty."

7. Subject to section 9, the agreement entered into <sup>Agreement</sup> between the Municipal Corporation of the Town of Collingwood and the Collingwood Shipbuilding Company, <sup>with Collingwood Shipbuilding Co.</sup> Limited, bearing date the ninth day of December, 1908, <sup>confirmed.</sup> which agreement is set out in Schedule "E" to this Act, is ratified and confirmed and is declared legal.

8. Subject to section 9, By-law 721 of the Municipal <sup>By-law No. 721</sup> Corporation of the Town of Collingwood set out in Schedule <sup>confirmed.</sup> "F" to this Act, is ratified and confirmed and is declared valid and binding upon the said Municipal Corporation and the ratepayers thereof, notwithstanding any want of jurisdiction in the said municipality to pass such by-law, and notwithstanding any defect in substance or in form of said by-law, or in the manner of passing the same.

9. Notwithstanding anything contained in any of the <sup>Period of fixed</sup> by-laws or agreements set out as Schedules hereto, the <sup>assessment and</sup> fixed assessment of the Imperial Steel & Wire Company, <sup>exemption.</sup> Limited, and the exemption from taxation and the fixed assessment of the Collingwood Shipbuilding Company, Limited, shall continue for ten years and no longer, from the first day of January, 1909.

#### SCHEDULE "A."

AGREEMENT BETWEEN WILLIAM JOHN LINDSAY, OF THE CITY OF ST. THOMAS, AND THE CORPORATION OF THE TOWN OF COLLINGWOOD.

This Agreement made in duplicate this Twentieth day of November, in the year of our Lord, One thousand nine hundred and two, between the Municipal Corporation of the Town of Collingwood, of the First Part, and William John Lindsay, of the City of St. Thomas, in the County of Elgin, and Province of Ontario, Manufacturer, of the Second Part.

Whereas the said party of the second part has proposed to form a joint stock company, and to establish within the Town of Collingwood, a large industry for the manufacture of wire, wire nails and wire fencing, and to employ at least one hundred hands in the operation of the said industry, provided that the said Corporation would grant a bonus of \$25,000 and fix the annual assessment of the said industry for a period of ten years;

And

And whereas the said Corporation have agreed to give the said bonus and fix the said assessment, provided the same shall be approved of by the electors of the said town as hereinafter mentioned;

Now, therefore, this agreement witnesseth that the said parties hereto do hereby agree to and with each other in manner following, that is to say: The said party of the second part doth, for himself, his heirs, executors and administrators agree with the said Corporation as follows:—

1. That he will erect within the Town of Collingwood, on a site to be procured by himself, the following buildings, and of the following dimensions, that is to say:—Engine house, 20 × 30 feet; boiler house, 40 × 50 feet; cleaning house, 60 × 75 feet; wire drawing building, 60 × 75 feet; galvanizing building, 25 × 175 feet; nail manufacturing building, 65 × 180 feet; wire fence building, 60 × 180 feet; warehouse for nails, 30 × 100 feet; warehouse for wire fences, 60 × 150 feet, equipped with all modern machinery and plant for the complete manufacture of wire, wire nails and wire fencing, such buildings to be of substantial character, and to be built of brick, iron, wood or stone, at a cost of not less than thirty thousand dollars.

2. That he will instal in said buildings a first class plant and machinery for the manufacture of wire, wire nails and wire fencing at a cost of not less than one hundred thousand dollars.

3. That he will commence building operations within six months of the passing of the by-law hereinafter referred to, and will commence producing manufactured material within twelve months of the passing of the said by-law.

4. That he will pay the taxes on said buildings, plant and machinery on an annual fixed assessment of seventy-five thousand dollars for a period of ten years, renewable for a further period of ten years, such taxation to begin twelve months after the erection of said buildings.

5. That he will employ continuously at Collingwood, in the operation of the said industry not less than one hundred employees.

6. That he will keep the said industry in continuous operation at the Town of Collingwood for a period of twenty years from the commencement of operations.

7. That he will insure the said buildings, plant and machinery in some company approved of by the said Corporation to an amount sufficient to protect the interests of the said Corporation, as they shall from time to time appear, and, if at any time during the said period of twenty years, the said buildings, plant and machinery, or any part thereof, should be destroyed by fire or otherwise, he shall either reinstate the same or the said Corporation shall be entitled to be paid out of the said insurance moneys, an amount equal to a proportionate part of the said bonus which shall not have been earned by the said party of the second part.

8. That he will deposit with the said Corporation the sum of two hundred dollars as an evidence of his good faith, to be returned to him if the said by-law should not carry, and, in the event of its carrying, when he begins the erection of the said buildings.

In consideration whereof the said corporation agrees with the said party of the second part as follows:—

9. That they will grant the said party of the second part, or his assigns, the sum of twenty-five thousand dollars as a bonus for the establishment of the said industry, such sum to be payable in cash to the said party of the second part, or his assigns, when, but not until, he, or they, have actually expended the sum of one hundred thousand dollars in the erection of the said buildings, and the installation of the said plant.

10. That they will fix the annual assessment of the said buildings, plant and machinery at the sum of seventy-five thousand dollars for a period of ten years, renewable for ten years more, such period to begin twelve months after the erection of the said buildings.

11.

11. That they will not, while the said party of the second part, or his assigns, duly operate the said industry under this agreement, subsidize or offer or give any inducement whatever to a competitive plant or any establishment to engage in the manufacture of any product of wire.

12. That they will submit a by-law to the qualified electors of the said Town to vote upon this agreement as soon as may be after the execution of this agreement.

It is also agreed that,—

13. The said Corporation shall have a lien or charge upon the said buildings, plant and machinery for a period of twenty years as a guarantee that the said party of the second part will not remove said buildings, plant and machinery out of the said Town before the expiration of the said period; such lien or charge to be in a form approved of by the Corporation.

14. If the said industry shall cease operations for a period of twelve months, then, upon six months' notice in writing being given by the said Corporation to the said party of the second part, or his assigns, the amount of the unearned bonus granted by the said Corporation shall immediately become due and payable to the said Corporation, who, upon non-payment of the same, may seize and sell such buildings, plant and machinery to any individual or corporation, and, after payment of the amount of the unearned bonus, pay over the balance, if any, to the said party of the second part, or his assigns.

15. This agreement shall be valid and binding upon the said Corporation only in the event of the assent of the electors thereof being duly given in the manner required by law.

16. The said Corporation agrees to provide the adequate fire protection for the said industry provided it is located within a reasonable distance of the present mains of the Corporation's waterworks system.

In witness whereof the said parties hereto have hereunto affixed their hands and seals the day and year first above written.

Signed, sealed and delivered  
in the presence of  
JOHN BIRNIE.

}

W. J. LINDSAY.  
W. A. Hogg,  
Mayor.

#### SCHEDULE "B."

BY-LAW No. 623 TO RAISE BY WAY OF DEBENTURES THE SUM OF TWENTY-FIVE THOUSAND DOLLARS, TO GRANT BY WAY OF BONUS TO ONE WILLIAM JOHN LINDSAY, TOWARD THE ESTABLISHMENT OF AN INDUSTRY FOR THE MANUFACTURE OF WIRE, WIRE NAILS AND WIRE FENCING, AND TO MAKE PROVISION FOR TAKING THE VOTE OF THE ELECTORS UPON THE BY-LAW

Whereas William John Lindsay, of the City of St. Thomas, in the County of Elgin, manufacturer, has proposed to establish and operate within the Town of Collingwood, a large industry for the manufacture of wire, wire nails and wire fencing, and employing at least one hundred employees in the operation of the said industry, provided that the said Corporation would grant him a bonus of \$25,000, and fix the annual assessment of the said industry at \$75,000 for a period of ten years, renewable for ten years further;

And whereas the Corporation of the Town of Collingwood has by an agreement dated the 20th of November, 1902, agreed to grant the said bonus to the said industry, and to fix the said annual assessment thereof at \$75,000, according to the terms and stipulations contained in the said agreement;

And whereas it is necessary to raise by way of debentures the sum of \$25,000 to grant as a bonus to the said industry;

And

And whereas the amount of the whole rateable property of the Municipality of the Town of Collingwood, according to the last revised assessment roll, amounts to \$1,656,795;

And whereas the existing debenture indebtedness of the said municipality amounts to \$314,952.95, and no principal or interest is in arrears;

And whereas it will require the sum of \$1,921.90 to be raised annually for a period of twenty years to pay the interest of and discharge the said debt as the same become due and payable;

Therefore the Municipal Council of the Corporation of the Town of Collingwood enacts as follows:—

1. That the mayor of the said town is hereby authorized and required to issue debentures of the said town to the amount of \$25,000, and such debentures shall be signed by the mayor and treasurer of the said town, and sealed with the corporate seal, and there shall be twenty such debentures, each for the sum of \$1,921.90, the first to be payable the first day of December in the year of our Lord, 1904, and one on each next first day of December for the succeeding nineteen years, it being estimated that such twenty debentures are equal to \$25,000 of principal money with interest from the first day of December, 1903, at the rate of 4½ per cent. per annum, upon the amount of principal money from time to time remaining unpaid, the amount of principal and interest represented in each of such debentures being as follows:—

Year.	Interest.	Principal.	Annual Payment.
1	\$1,125 00	\$796 90	\$1,921 90
2	1,089 14	832 76	1,921 90
3	1,051 66	870 24	1,921 90
4	1,012 50	909 40	1,921 90
5	971 58	950 32	1,921 90
6	928 82	993 08	1,921 90
7	884 13	1,037 77	1,921 90
8	837 43	1,084 47	1,921 90
9	788 63	1,133 27	1,921 90
10	737 63	1,184 27	1,921 90
11	684 33	1,237 57	1,921 90
12	628 64	1,293 26	1,921 90
13	570 45	1,351 45	1,921 90
14	509 63	1,412 27	1,921 90
15	446 08	1,475 82	1,921 90
16	379 67	1,542 23	1,921 90
17	310 27	1,611 63	1,921 90
18	237 74	1,684 16	1,921 90
19	161 96	1,759 94	1,921 90
20	82 76	1,839 14	1,921 90
		<hr/>	
		\$24,999 95	

2. The proceeds of the said debentures shall be applied in manner following, that is to say:—

The sum of \$25,000 as a cash bonus to the said wire industry, in the manner and according to the terms stipulated in the said agreement.

3. To provide for the payment of the said sum of \$25,000 and interest thereon as aforesaid, the sum of \$1,921.90 shall be levied and raised annually for a period of twenty years, commencing with the year 1904, by special rate sufficient therefor on all the rateable property in the Town of Collingwood.

4. The said debentures shall be payable at the Bank of Toronto, Collingwood.

5. That the votes of the qualified electors of the said Town of Collingwood shall be taken by ballot upon this by-law at the following times and places, and by the undermentioned deputy returning officers, that is to say:—

On Monday, the fifth day of January, A. D. 1903, at the hour of nine o'clock in the forenoon, continuing until five in the afternoon of the same day, at the following places hereinafter mentioned, and the following persons shall be deputy returning officers to take the votes of the qualified ratepayers at such places, that is to say:—

In polling subdivision No. 1, First Ward, Town Hall, Hurontario Street; George Gillson, deputy returning officer.

In polling subdivision No. 2, Second Ward, Ditson's old store, Lot 25, East Hurontario Street; J. W. Archer, deputy returning officer.

In polling subdivision No. 3, Second Ward, Mrs. Hill's residence, Lot No. 8, East Ste. Marie Street; Wm. C. Miller, deputy returning officer.

In polling subdivision No. 4, Third Ward, James' Pump Factory, Lot 13, East Beech Street; M. J. Pomphrey, deputy returning officer.

In polling subdivision No. 5, Fourth Ward, Patrick Howard's Shoe Shop, corner Hurontario and Third Streets; P. Howard, deputy returning officer.

In polling subdivision No. 6, Fifth Ward, Thomas Gillson's house, Lot 42, West Pine Street; Thomas Gillson, deputy returning officer.

That at ten o'clock in the forenoon of the second day of January, 1903, at the Town Hall, Collingwood, the persons to attend at the various polling places on behalf of the persons interested or opposing the passage of this by-law, shall be appointed, and such persons shall also attend at ten o'clock in the forenoon of the sixth day of January, A. D. 1903, at the Town Hall at the final summing up of the votes given for and against this by-law, together with the two persons to be appointed by the head of the municipality, as required by *The Municipal Act*.

That the clerk of the said municipality at ten o'clock in the forenoon on the sixth day of January, A. D. 1903, shall sum up the votes given for and against this by-law, and shall then and there declare the result.

7. That this by-law shall come into force and have effect from and after the passing thereof.

Passed this 13th day of January, 1903.

W. A. Hogg,  
Mayor.

J. H. DUNCAN,  
Clerk.

(Corporate Seal).

#### SCHEDULE "C."

This Agreement made in triplicate the Fifth day of May, 1908, between The Municipal Corporation of the Town of Collingwood, of the First Part, and The Imperial Steel and Wire Company, Limited, of the Second Part.

Whereas by agreement dated the 20th day of November, 1902, William John Lindsay, of the City of St. Thomas, in the County of Elgin, manufacturer, agreed with the party hereto of the First Part to form a joint stock company, and to establish within the Town of Collingwood, in the County of Simcoe, a large industry for the manufacture of wire, wire nails and wire fencing, on condition that the said Corporation should grant to the said William John Lindsay and his assigns a bonus of \$25,000 dollars and fix the annual assessment of the said industry for a period of ten years;

And whereas the said agreement was duly submitted to and approved by the electors of the said town;

And

And whereas the said William John Lindsay duly assigned the said agreement and all benefits to be derived therefrom to the party hereto of the second part;

And whereas the said party hereto of the second part in pursuance of the said agreement established in part the said industry and constructed buildings and installed plant therein at the alleged cost of at least one hundred thousand dollars;

And whereas the party of the second part is desirous of substituting for the wire fence building and plant stipulated for in said agreement, a building and plant suitable for wire weaving. And the party of the first part has agreed to the said substitution, and has agreed to pay to the party of the second part the bonus referred to in the said in part recited agreement on the following terms and conditions:—

Now, therefore, this indenture witnesseth, that the party of the first part agrees to pay to the party of the second part the said bonus of \$25,000.00 in the following instalments:—\$1,500.00 to be first deducted in settlement of all taxes to December 31st, 1907; \$15,000.00 in monthly payments to the party of the second part upon the production of certified pay rolls for labor, progress certificates on contracts, engineering salary, and vouchers for building and other material, plant and machinery and installation of the same, customs charges, freight charges and accounts incurred in connection with the construction of the said building or buildings, plant and machinery, and the installation and equipment of the same.

Accounts and vouchers shall be certified to by an official to be appointed by the Company, and an official appointed by the Corporation, and in case the Corporation omits or neglects to appoint an official for said purpose within fourteen days after the said party of the second part so requires them in writing, then the certificate of the person appointed by the said party of the second part shall be sufficient for the purpose of the said payments. As soon as the said sum of \$15,000.00 has been expended as aforesaid the balance of the said bonus shall be paid over at once to the Company.

And the party of the first part further agrees to fix the annual assessment for all purposes on all of the business, buildings, plant and machinery of the party of the second part when completed, at the sum of \$50,000.00, commencing during the present year, in consideration whereof the party of the second part agrees with the party of the first part as follows:—

First. To erect the building or buildings hereinbefore referred to, namely:—One two-story building 50 feet by 194 feet, or two one-story buildings 50 feet by 194 feet, at the option of the party of the second part; and instal the plant and machinery therein at an estimated cost of not less than \$25,000.00, the said buildings to be commenced within thirty days after the party of the second part shall have been notified by the party of the first part that the bonus is ready for payment, and to be completed, including the installation of plant and machinery, within twelve months from the said date.

Second. To pay taxes on the said business, income, building, plant and machinery (excepting local improvements, which are to be paid for in full), on an annual fixed assessment, commencing with the year 1909, of \$50,000.00, for a period of ten years, renewable for a further period of ten years.

Third. To employ continuously at Collingwood, in the operation of said industry, not less than one hundred and twenty-five men.

Fourth. To keep the said industry in continuous operation at the Town of Collingwood for a period of twenty years from the commencement of operations.

Fifth. To supply the party of the first part with a half-yearly statement of the number of employees at work in the said industry.

It is agreed that \$2,000.00 of the said bonus shall be considered as applied to each year of the term of operation, and in the event of the number of said employees being less than one hundred and twenty-five for a longer period than two months in each year, the said bonus shall be considered unearned, and the party of the second part shall repay to the said Corporation if demanded by the Council thereof, the proportionate part of the bonus for said year based on the length of time beyond the said period of two months that the Company shall be in default.

Sixth. To insure the said buildings, plant and machinery in some Company approved of by, and with the loss payable to, the said Corporation to an amount sufficient to protect the interests of the said Corporation as they shall from time to time appear, and if at any time during the said period of twenty years the said buildings, plant and machinery, or any part thereof, shall be destroyed by fire or otherwise, to either reinstate the same or the said Corporation shall be entitled to be paid out of the said insurance moneys an amount equal to a proportionate part of the said bonus, which shall not have been earned by the said party of the second part.

To allow the sum of \$1,500.00 to be deducted from the said bonus in full settlement of the Corporation's claim for taxes, rates or assessments on the said land, buildings, plant and machinery up to the thirty-first day of December, 1907.

It is also agreed that the said Corporation shall have a first lien or charge upon the said buildings, plant and machinery for a period of twenty years as a guarantee that the party of the second part will not remove said plant, buildings or machinery, or any part thereof, out of the said town unless with the consent of the party of the first part, and for the purpose of substituting better machinery, before the expiration of the said period. Such lien or charge to be in a form approved of by the Corporation.

If the said industry shall cease operations for a period of twelve months, then, upon six months' notice in writing being given by the said Corporation to the said party of the second part, or his assigns, the amount of the unearned bonus granted by the said Corporation shall immediately become due and payable to the said Corporation, who upon non-payment of the same, may seize and sell such buildings, plant and machinery to any individual or corporation, and after payment of the amount of unearned bonus pay over the balance, if any, to the said party of the second part.

This agreement is to be ratified by the Legislature of the Province of Ontario at its next session, upon the application of the said Corporation. And the party of the second part agrees to pay all costs, charges and expenses incurred in ratifying the said agreement and any by-laws in connection therewith.

It is further agreed that unless so ratified this agreement shall not be binding upon the said Corporation, except so far as the Council of the said Corporation had authority to make same, and the original agreement of the twentieth day of November, 1902, shall remain in full force, virtue and effect. Clause eleven of said in part recited agreement shall be struck out.

In witness whereof the said parties hereto have hereunto affixed their hands and seals the day and year first above written.

Signed, sealed and delivered

in the presence of

(Corporation Seal).

(Sgd.) D. C. BARR,  
Acting Mayor.

(Sgd.) J. H. DUNCAN,  
Clerk.

(Sgd.) THE IMPERIAL STEEL AND WIRE  
Co., LIMITED.

(Imperial Steel and Wire  
Co., Limited, Seal).

(Sgd.) J. A. CURRIE,  
President.

(Sgd.) DONALD MCKAY,  
Secretary.

SCHEDULE



## SCHEDULE "D."

BY-LAW No. 705 OF THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD, TO AMEND BY-LAW No. 623.

Whereas the said Municipal Corporation by its by-law numbered 623, passed on the thirteenth day of January, 1903, authorized and directed the issue of its debentures to the amount of \$25,000.00, payable in twenty annual instalments with interest thereon at the rate of four and one-half per cent. per annum, each annual instalment of principal and interest amounting to the sum of \$1,921.90, as more particularly set out in said by-law, the first of such instalments of \$1,921.90 to become due and payable on the first day of December, 1904, and one of the other instalments on each first day of December in each of the succeeding nineteen years;

And whereas the proceeds of the said debentures are by said by-law directed to be applied as a cash bonus to William John Lindsay, or his assigns, who proposed to establish and operate within the Town of Collingwood a large industry for the manufacture of wire, wire nails and wire fencing, upon the terms stipulated in the agreement in recital in said by-law;

And whereas the payment of the said bonus was from time to time postponed by the Corporation until certain differences and contentions between the Corporation and the said William John Lindsay and his assigns had been settled and set at rest;

And whereas the said industry was established by the Imperial Steel and Wire Company, Limited, the assigns of the said William John Lindsay, and same is now in full operation in said Corporation, and the said Imperial Steel and Wire Company, Limited, having fulfilled and performed the terms and stipulations contained in said by-law and agreement, is now entitled to receive from the Corporation the said bonus of \$25,000.00, but in order to issue said debentures at the present time it becomes necessary to amend said by-law by providing for the payment of same in twenty annual instalments, the first of which shall become due and payable on the first day of December, 1908;

And whereas owing to the advance in the rate of interest between the time of the passing of the said by-law and the present time the said debentures when issued cannot be sold or disposed of except at a discount involving a substantial reduction in the amount required to be provided for;

And whereas the said Municipal Council under the authority of section eleven of *The Municipal Amendment Act, 1904*, deem it necessary and expedient to pass the by-law, subject to the approval thereof by the Ontario Railway and Municipal Board, to amend the said By-law No. 623 for the purpose of providing for the payment of an increased rate of interest, namely, the rate hereinafter mentioned, and for changing maturity dates of said debentures;

And whereas it is proposed and intended that the rate of interest upon the said debenture debt authorized by the said By-law No. 623 shall be increased to the rate of five per cent. per annum instead of at the rate of four and one-half per cent. per annum mentioned in the said by-law;

And whereas it will require the sum of \$2,006.06 to be raised in each year during the currency of the debt by a special rate to discharge the several instalments of principal and interest accruing due on the said sum of \$25,000.00, as the said instalments of principal and interest become respectively payable, according to the terms of the said by-law, as amended hereby;

Now, therefore, the Municipal Council of the Corporation of the Town of Collingwood, enacts as follows:—

That the said By-law No. 623 is hereby amended in manner following, that is to say:—



(a) The rate of interest which the said debentures to the amount of \$25,000.00 shall bear shall be at the rate of five per cent. per annum, instead of at the rate of four and one-half per centum per annum provided for in said by-law.

(b) The amount to be levied annually under the said by-law shall be increased by the sum of \$84.16, being the difference between the said sum of \$2,006.06 and the sum of \$1,921.90 mentioned in the said by-law, so that the total sum to be levied and raised in each year for the payment of the said principal and interest shall be \$2,006.06.

(c) That notwithstanding anything in section one of said By-law No. 623 contained, the interest on the said sum of \$25,000.00, at the rate of five per cent. per annum shall be calculated as and from the first day of December, 1907, and that each of the said twenty debentures of \$2,006.06 shall bear date the first day of December, 1907, and the first of same shall be due and payable on the first day of December, 1908, and one of the remaining nineteen debentures shall become due and payable on the first day of December in each of the succeeding nineteen years.

(d) Clause two of the said by-law shall be and the same is hereby amended by increasing the several instalments of principal and interest, so that the amount of combined principal and interest payable yearly shall be \$2,006.06 instead of \$1,921.90.

(e) That notwithstanding anything contained in section three of said By-law No. 623, the levying and raising by a special rate of the annual sum of \$2,006.06 shall be for twenty years, commencing with the year 1908, and where the figures \$1,921.90 therein appear same shall be struck out and the figures \$2,006.06 inserted in lieu thereof.

(f) That anything in said By-law No. 623 contained inconsistent with the amendments hereby made thereto shall be and the same is hereby repealed.

(g) That the said By-law No. 623 as amended hereby be and the same is hereby confirmed.

(h) This by-law shall come into effect immediately after the approval thereof by The Ontario Railway and Municipal Board.

Year.	Interest.	Principal.	Total.
1	\$1,250 00	\$756 06	\$2,006 06
2	1,212 20	793 86	2,006 06
3	1,172 50	833 56	2,006 06
4	1,130 82	875 24	2,006 06
5	1,087 06	919 00	2,006 06
6	1,041 11	964 95	2,006 06
7	992 86	1,013 20	2,006 06
8	942 20	1,063 86	2,006 06
9	889 01	1,117 05	2,006 06
10	833 16	1,172 90	2,006 06
11	774 52	1,231 54	2,006 06
12	712 94	1,293 12	2,006 06
13	648 28	1,357 78	2,006 06
14	580 39	1,425 67	2,006 06
15	509 11	1,496 95	2,006 06
16	434 26	1,571 80	2,006 06
17	355 67	1,650 39	2,006 06
18	273 15	1,732 91	2,006 06
19	186 50	1,819 56	2,006 06
20	95 52	1,910 54	2,006 06

\$24,999 94

Passed this 5th day of May, A. D. 1908.

(Sgd.) D. C. BARR,  
Acting Mayor.

(Sgd.) J. H. DUNCAN,  
Clerk.

(Corporate Seal).

SCHEDULE

## SCHEDULE "E."

## AGREEMENT.

This Agreement made in triplicate, the Ninth day of December, in the year of our Lord one thousand nine hundred and eight, between the Municipal Corporation of the Town of Collingwood, hereinafter called "The Corporation," of the First Part, and The Collingwood Ship-building Company, Limited, hereinafter called "The Company," of the Second Part.

Whereas the Company have established within the Town of Collingwood a large shipbuilding industry on the waterfront between Hurontario Street and the Grand Trunk Railway wharf, and have been carrying on operations there for a number of years;

And whereas pursuant to an agreement between the parties hereto, dated the thirteenth day of May, 1907, and ratified by the Legislature of the Province of Ontario by an Act respecting the Town of Collingwood and the Collingwood Shipbuilding Company, Limited, passed in the eighth year of the reign of His Majesty Edward VII, and chaptered 74, the Corporation have conveyed and caused to be conveyed to the Company in fee simple the lands in the said agreement described;

And whereas by the said agreement the Company agreed that they would within ten years convert the ship slip mentioned in the said agreement into a permanent stone or cement dry dock suitable for sufficiently building vessels of six hundred feet in length;

And whereas it is found to be impossible to move a vessel of six hundred feet in length out of such dock if built, owing to the too close proximity of the Grand Trunk Railway wharf, and it is therefore inexpedient to build such dock upon the said location, although the Company could strictly carry out the said contract by building a dock of six hundred feet in length;

And whereas the Company have extended and are extending their operations over the whole of the lands conveyed to them pursuant to the said agreement, and are using the said lands for the purposes of shipbuilding and repairing only;

And whereas the Company propose to build and are building in lieu of said dock at the said ship slip a dock of four hundred feet or over in length and of sufficient width to dock two ships side by side;

And whereas it has become necessary in order to meet the ever-growing requirements of shipbuilding in the Dominion of Canada that the said Company should further very considerably extend their operations, increase the efficiency and output of their plant, and be in a position to build and launch longer and larger vessels than any they have hitherto built, besides carrying on the industry of repairing vessels, which is growing continuously every year;

And whereas for purposes aforesaid it is necessary that the said Company should acquire more land along the waterfront, and that they should also construct a new and larger dry dock and launching slip than they already have, upon property contiguous to that at present owned and leased by the said Company;

And whereas the Corporation is the owner in fee simple of the land and of the land covered with water, and has the right to close the portions of the streets which it is deemed necessary for the said Company to acquire for the purpose of extending and enlarging their operations aforesaid, and the said Corporation have agreed to convey the same to the said Company upon the terms and conditions herein set forth;

Now therefore this indenture witnesseth, that the parties hereto do agree to and with each other as follows:—

1. The said Corporation agree, subject to the approval of the ratepayers as hereinafter provided, that they will convey or cause to be conveyed in fee simple, free from all incumbrances to the said Company, all and singular those certain parcels or tracts of land

land and premises and land covered with water, situated, lying and being in the Town of Collingwood, in the County of Simcoe, and Province of Ontario, and being composed of:—

The westerly one hundred and thirty feet of that part of lot number eight lying north of the Grand Trunk Railway right-of-way; the westerly one hundred and thirty feet of lots numbers seven, six, five, four, three, two, one, seventy-five, seventy-six, seventy-seven, seventy-eight and seventy-nine on the east side of Pine Street, as shown on registered plan number 489.

Pine Street from the Grand Trunk Railway northward, and the extension of Pine Street northward to a point distant 1,100 feet measured northerly from the northerly limit of First Street.

That part of lot number eight north of the Grand Trunk Railway right-of-way on the west side of Pine Street.

That part of lot number seven north of the Grand Trunk Railway right-of-way on the west side of Pine Street.

Lots numbers six, five, four, three, two, one, seventy-five, seventy-six, seventy-seven, seventy-eight and seventy-nine on the west side of Pine Street as shown on said plan.

That part of lot number seven north of the Grand Trunk Railway right-of-way, and lots numbers six, five, four, three, two, one, seventy-five, seventy-six, seventy-seven, seventy-eight and seventy-nine on the east side of Maple Street, as shown on said plan.

Manitou street from the westerly limit of the property now owned by the Company to the easterly limit of Maple Street.

Subject to a right-of-way at least forty feet in width for all persons and vehicles from the northerly limit of the Grand Trunk Railway right-of-way where it intersects Pine Street to the present Town Dock until the proposed new dock at the foot of Maple Street has been built and made ready for use.

2. The said Corporation further agree that they will at once grant to the said Company a lease at the nominal rental of one dollar per year for a term of five years, renewable at the option of the Company for a further term of five years of all the land lying north of the Grand Trunk Railway right-of-way, between Maple and Beech Streets, except the portion thereof leased to the Collingwood Furniture Company, Limited, and more particularly described as follows, being composed of:—

That part of lot number six, north of the Grand Trunk Railway right-of-way, and lots numbers five, four, three, two and one on the west side of Maple Street, as shown on registered plan number 489.

That part of lot number six north of the Grand Trunk Railway right-of-way, and lots numbers five, four, three, two and one on the east side of Beech Street, as shown on said registered plan.

Such lease to contain a clause permitting the said Corporation to place a switch over the said land from the Grand Trunk Railway right-of-way to the property known as the Collingwood Furniture Company's land for the use of the factory erected on the said Furniture Company's land. The said lease shall also contain a clause permitting the Company to build and operate such railways, trams, and transmission and electric light and telephone wires on, over, under and above Maple Street as may be necessary for the operations of the Company and the full enjoyment of the lands hereby agreed to be conveyed and leased.

3. The said Corporation further agree that they will cause to be passed by-laws, if considered necessary, closing parts of any street or prolongation of the same that may be included in the land to be conveyed.

4. The said Corporation also agree that they will pass a by-law exempting for a period of ten years the said property to be conveyed, and the property conveyed to the Company, pursuant to the said agreement, dated the thirteenth day of May, 1907, with all buildings, plant and machinery now used therewith or which may hereafter be used therewith, from ordinary municipal rates and taxes except school taxes and local improvement rates, and placing  
for

for the purpose of school taxation the value of the said property so to be conveyed as aforesaid at the sum of \$25,000.00, and at the end of the said period of ten years the said exemption shall be renewed for a further period of ten years.

5. In consideration whereof the Company agree to pay annually to the Corporation the sum of \$1,534.79 for fifteen consecutive years, for the purpose of enabling the Corporation to retire unpaid debentures of the Corporation issued by them for the purchase of the property conveyed, commencing on the first day of November, 1909, and ending on the first day of November, 1923, amounting in all to the sum of \$23,021.85.

6. The Company further agree to urge upon the Government of Canada the necessity of building a wharf on the line of Maple Street at a cost of not less than \$50,000, and when said wharf is erected the Company agree to remove from the present town wharf at the foot of Hurontario Street the storehouse erected thereon from its present site to the new wharf to be erected on the line of Maple Street as aforesaid, or in the alternative at the option of the Company to build upon the said new wharf a new storehouse equal in dimensions and of not less value than said existing storehouse.

7. And the Company further agree to provide a bond satisfactory to the Corporation guaranteeing payment of the said fifteen annual payments of \$1,534.79 each before the property is conveyed.

8. It is mutually agreed by and between the parties hereto that the Company may build a permanent stone or cement dry dock in the ship slip mentioned in the said agreement of the thirteenth day of May, 1907, of four hundred feet in length and one hundred feet in width, and upon the completion of the same equipped with all necessary plant and machinery for its proper operation, and upon building a permanent stone or cement dry dock on the property purchased of at least six hundred feet in length and ninety feet in width, the Corporation shall release the Company from the covenant on the part of the Company in the fifth paragraph of the said agreement contained to build a dry dock suitable for building of vessels of six hundred feet in length, and from the defeasance clause contained in the deed of the lands described in the said agreement made in pursuance of the said covenant; and the Corporation will at the expense of the Company give such further assurances as may be necessary to carry out effectually the intentions of this agreement.

9. It is mutually agreed by and between the parties hereto that the conveyance of this land by the Corporation to the Company is made for the sole purpose of enabling the said Company to enlarge and extend their plant, and that the said land to be conveyed is to be used solely and only for the purposes of building, launching and repairing vessels, or for the purposes of the said Company as set out in their charter of incorporation or any amendments thereto, and it is hereby mutually agreed that the deed of conveyance of the said land and land covered with water shall contain a clause of defeasance, to be started in two years and carried on continuously, and that if the said land is not used for the purposes aforesaid it shall revert to and become the property of the said Town of Collingwood, and the said Company will covenant and agree that they will do or cause to be done any act or acts which the said Corporation may consider necessary for the purpose of re-vesting the said property in the said Corporation aforesaid.

10. It is further mutually agreed that the by-law passed by the Corporation pursuant to this agreement shall be submitted to a vote of the people on the same day as the municipal elections are held in January, 1909.

11. This agreement is to be ratified by the Legislature of the Province of Ontario at its next session, upon the application of the Corporation, and the said Company hereby agree that they will pay all costs, charges and expenses incurred in ratifying the said agreement.

agreement, and any by-laws in connection therewith, and all costs, charges and expenses incidental to the making of this agreement or any by-laws in connection therewith.

In witness whereof the parties hereto have hereunto affixed their Corporation seals.

(Seal of Corporation of  
Collingwood).

JOHN NETTLETON,  
Mayor.

J. H. DUNCAN,  
Clerk.

ALEX. McDougall,  
President.

(Seal of Collingwood Shipbuilding  
Co., Limited).

SANFORD H. LINDSAY,  
Secretary-Treasurer.

### SCHEDULE "F."

#### BY-LAW No. 721 OF THE MUNICIPALITY OF THE TOWN OF COLLINGWOOD.

Whereas by an agreement bearing date the ninth day of December, 1908, and made between the Corporation of the Town of Collingwood, of the First Part, and the Collingwood Shipbuilding Company, Limited, of the Second Part:—

It was among other things agreed that in consideration of the payment of \$1,534.79 per year by the said Company for a period of fifteen years and other considerations therein set forth, the said Municipal Corporation would sell and convey unto the said Collingwood Shipbuilding Company, Limited, the lands described in Schedule "A" hereto attached, and would demise and lease unto the said Collingwood Shipbuilding Company, Limited, the lands described in Schedule "B" attached thereto, for a period of five years, with a right of renewal for a further period of five years at the nominal rental of one dollar per year;

And whereas it was also agreed in and by the said agreement that the said Municipal Corporation would exempt the said lands from all municipal rates and taxes except school taxes and local improvement rates for a period of ten years, and that for the purpose of school taxation only the value of the said property should be placed on the assessment roll at the sum of twenty-five thousand dollars;

And whereas it is necessary to pass a by-law to carry out that portion of the agreement regarding exemption from taxation, and to submit the same to a vote of the ratepayers of the said municipality;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Collingwood as follows:—

1. That the said agreement, bearing date the ninth day of December, A. D. 1908, between this Corporation and the Collingwood Shipbuilding Company, Limited, be, and the same is hereby ratified and confirmed in all its terms.

2. That the said lands described in Schedules "A" and "B" and "C" of this by-law be, and the same are hereby declared, exempted from all municipal rates and taxes except school taxes and local improvement rates, for the term of ten years from the first day of January, A. D. 1909.

3. That for the purpose of school taxation only, the value of the said lands shall be annually placed on the assessment roll at the sum of twenty-five thousand dollars, and school taxation only be levied and collected upon the said property upon the said assessment of twenty-five thousand dollars.

4. That this by-law shall be submitted to a vote of the legally qualified ratepayers of the Town of Collingwood on the same day as the municipal elections are held in January, A. D. 1909.

5. That this by-law shall come into force and have effect from  
and

and after the passing thereof, and ratification by the Ontario Legislature.

6. That the votes of the qualified ratepayers of the said Town of Collingwood shall be taken by ballot upon this by-law, at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon, of Monday, the fourth day of January, 1909, by the following persons as deputy returning officers and poll clerks:—

In polling subdivision No. 1, waterworks office; William Andrews, deputy returning officer; Reginald Harry Clark, poll clerk.

In polling subdivision No. 2, Ditson's old store, lot 25, East Hurontario Street; J. W. Archer, deputy returning officer; John McGregor, poll clerk.

In polling subdivision No. 3, William Little's residence, lot 49, East Hurontario Street; George W. Corbman, deputy returning officer; Anson Lee, poll clerk.

In polling subdivision No. 4, M. J. Pomphrey's paint shop, lot 14, West Birch Street; Matthew J. Pomphrey, deputy returning officer; David Lee, poll clerk.

In polling subdivision No. 4, M. J. Pomphrey's paint shop, lot 14, West Birch Street; Thomas Barrett, deputy returning officer; Norman Collins, poll clerk.

In polling subdivision No. 5, Brown's shoe shop, lot No. 30, West Hurontario Street; George Gillson, deputy returning officer; Alexander McIntyre, poll clerk.

In polling subdivision No. 6, Thos. Gillson's residence, lot No. 42, West Pine Street; John Irwin, deputy returning officer; D. A. Bell, poll clerk.

In polling subdivision No. 6, Thos. Gillson's residence, lot No. 42, West Pine Street; John McFadzen, deputy returning officer; Thomas Hill, poll clerk.

7. That on Monday, the twenty-eighth day of December, 1908. at the town clerk's office in the Town of Collingwood, at the hour of ten o'clock in the forenoon, the mayor shall appoint in writing signed by himself, two persons to attend at the final summing up of the votes by the clerk, and one person interested in and desirous of promoting the passing of this by-law, and a like number of the persons interested in and desirous of opposing the passing of this by-law.

8. That the clerk of the said Municipal Council of the Town of Collingwood shall attend at his office at the hour of ten o'clock in the forenoon, on the fifth day of January, A. D. 1909, to sum up the number of votes given for and against this by-law, and shall then and there declare the result.

#### SCHEDULE "A."

All and singular those certain parcels or tracts of land and premises, and land covered with water, situated, lying and being in the Town of Collingwood, in the County of Simcoe, and Province of Ontario, and being composed of:—

The westerly one hundred and thirty feet of that part of lot number eight lying north of the Grand Trunk Railway right-of-way; the westerly one hundred and thirty feet of lots numbers seven, six, five, four, three, two, one, seventy-five, seventy-six, seventy-seven and the whole of seventy-eight and seventy-nine, on the east side of Pine Street, as shown on registered plan number 489.

Pine Street from the Grand Trunk Railway right-of-way northward, and the extension of Pine Street northward to a point distant eleven hundred and one feet measured northerly from the northerly limit of First Street.

That part of lot number eight north of the Grand Trunk Railway right-of-way on the west side of Pine Street.

That



That part of lot number seven north of the Grand Trunk Railway right-of-way on the west side of Pine Street.

Lots numbers six, five, four, three, two, one, seventy-five, seventy-six, seventy-seven, seventy-eight and seventy-nine on the west side of Pine Street, as shown on said plan.

That part of lot number seven north of the Grand Trunk Railway right-of-way, and lots numbers six, five, four, three, two, one, seventy-five, seventy-six, seventy-seven, seventy-eight and seventy-nine on the east side of Maple Street, as shown on said plan.

Manitou Street from the westerly limit of the property now owned by the Company to the easterly limit of Maple Street.

Subject to right-of-way at least *forty* feet in width for all persons and vehicles to the present town dock until the proposed new dock at the foot of Maple Street has been built and made ready for use.

#### SCHEDULE "B."

All and singular those certain parcels or tracts of land and premises, situated, lying and being in the Town of Collingwood, in the County of Simcoe, and Province of Ontario, and being composed of all the land lying north of the Grand Trunk Railway right-of-way, between Maple and Beech Streets (except the portion thereof leased to the Collingwood Furniture Company, Limited), and more particularly described as follows:—

That part of lot number six north of the Grand Trunk Railway right-of-way, and lots numbers five, four, three, two and one on the west side of Maple Street, as shown on registered plan number 489.

That part of lot number six north of the Grand Trunk Railway right-of-way, and lots numbers five, four, three, two and one on the east side of Beech Street, as shown on said registered plan.

Such a lease to contain a clause permitting the said Corporation to place a switch over said land from the Collingwood Furniture Company's land, for the use of the factory erected on the said Furniture Company's land.

The said lease shall also contain a clause permitting the Company to build and operate such railways, trams, and transmission and electric light and telephone wires on, over, under and above Maple Street as may be necessary for the operations of the Company and the full enjoyment of the lands hereby agreed to be conveyed and leased.

#### SCHEDULE "C."

All and singular those certain parcels or tracts of land and premises, and land covered with water, situated, lying and being in the Town of Collingwood, in the County of Simcoe, and Province of Ontario, and being composed, Firstly, of that portion of the wharf reserve to the west of the prolongation of Hurontario Street, as shown on registered plan number 489; secondly, lots numbers one, two, three, four, seventy-five, and seventy-six on the west side of said reserve as shown in said plan, also lots five, six, seven and eight on the west side of Hurontario Street aforesaid, as laid out on said plan; thirdly, the easterly thirty-five feet of lots numbers one, two, three, four, five, six, seven, eight, seventy-five, seventy-six and seventy-seven on the east side of Pine Street, as shown on said plan; fourthly, the easterly portion of Manitou Street lying between the said above named lots and portions of lots hereby conveyed; fifthly, all and singular that portion of Hurontario Street or prolongation thereof northerly from the northern boundary of the right-of-way of the Grand Trunk Railway, seven hundred and sixty-five feet more or less to the southerly boundary of the cement dock, being shown on registered plan number 489.

The

The said land to be conveyed hereunder being more particularly described by metes and bounds as follows:—Commencing at a point in the prolongation of the said Hurontario Street where it is intersected on its easterly boundary by the Grand Trunk Railway of Canada, thence northerly along the said eastern boundary of the said prolongation of Hurontario Street seven hundred and sixty-five feet more or less to the southerly boundary of the cement dock; thence westerly on a line drawn at right angles to the said easterly boundary of Hurontario Street two hundred feet from the westerly boundary of Hurontario Street; thence southerly in a straight line seven hundred and sixty-five feet more or less to the northerly boundary of the right-of-way of the Grand Trunk Railway; thence easterly along the northerly boundary of the said right-of-way two hundred and ninety-nine feet more or less to the place of beginning, which said land, and land covered with water, contains about five and one-half acres more or less, saving and excepting thereout that portion of the old right-of-way of the said Grand Trunk Railway where such lands cross parts of lots seven and eight on the west side of Hurontario Street.

Passed this 8th day of February, 1909.

H. A. CURRIE,  
Mayor.  
J. H. DUNCAN,  
Clerk.

(Corporate Seal)



## CHAPTER 102.

## An Act respecting the Town of Cornwall.

*Assented to 13th April, 1909.*

**W**HEREAS the Municipal Council of the Town of <sup>Preamble.</sup> Cornwall has by petition represented that on the 9th day of July, A.D. 1906, the Council of the said Town of Cornwall did finally pass a by-law numbered 22 of the Corporation of the Town of Cornwall, in the County of Stormont, for the year 1906, to raise the sum of twenty thousand dollars (\$20,000) for the purpose of granting a bonus to a joint stock company to be formed by the Modern Bedstead Company, unincorporated, of the City of Sherbrooke, in the Province of Quebec, as an aid to the proposed Company for the purpose of establishing an industry for the manufacture of brass and iron bedsteads and other furniture in the Town of Cornwall, and to issue debentures of the said Town of Cornwall to the amount of twenty thousand dollars (\$20,000) to raise the sum required therefor, which by-law received the assent of the electors entitled to vote thereon; the votes of the said electors being taken on the 30th day of June, A.D. 1906; that the Municipal Council of the said Town of Cornwall on the first day of February, A.D. 1907, passed a by-law numbered 8 of the year 1907, varying the terms of the said agreement; that the said by-laws number 8 of the year 1907, and number 22 of the year 1906, were validated by the Act passed in the 7th year of His Majesty's reign, Chaptered 60; that the said Modern Bedstead Company, Limited, were not in a position to demand from the Corporation of the said Town of Cornwall the said bonus of twenty thousand dollars (\$20,000) until more than two years had elapsed from the time of the final passing of said by-law number 22 of the year 1906, owing to the fact that there had not been received subscriptions for and payments of stock to the amount of eighty thousand dollars (\$80,000) as provided in the said agreement as varied by by-law number 7 of the year 1907; that subsequent to the 8th day of July, A.D. 1908, the Modern Bedstead Company, Limited, received an additional subscription of  
stock

stock and on the 19th day of September, A.D. 1908, there had been subscribed and fully paid up upwards of ninety thousand dollars (\$90,000) of the capital stock of the said Company and all the other terms of the said by-laws and agreement had been complied with to the satisfaction of the Municipal Council of the Town of Cornwall; that the said Municipal Council prepared twenty debentures dated the 16th day of January, A.D. 1908, for \$1,537.52 each, in compliance with the terms of said by-law number 22, but such debentures were not issued until after the 9th day of July, A.D. 1908, when the solicitors for the purchasers thereof refused to give a favourable opinion as to their validity owing to the fact that at the time of their issue more than two years had elapsed from the time of the final passing of said by-law number 22; that on the 19th day of September, A.D. 1908, the Corporation of the said Town of Cornwall paid to the Modern Bedstead Company Limited, the said bonus of twenty thousand dollars (\$20,000) as provided by the said agreement, and obtained from the Sterling Bank of Canada a temporary loan, depositing with the said Sterling Bank of Canada the said debentures as collateral security for the said loan; and whereas the said Corporation of the Town of Cornwall has by the said petition prayed that an Act may be passed validating and confirming the said debentures and declaring them valid and binding upon the said Corporation of the Town of Cornwall; and whereas it is expedient to grant the prayer of the said petitions;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of certain  
debentures  
confirmed.

1. The debentures of the Town of Cornwall, numbered one to twenty, dated the 16th day of January, A.D. 1908, and payable in twenty equal annual instalments of \$1,537.52 each, the last payment falling due on the 15th day of January, 1928, issued pursuant to by-law number 22 of the Corporation of the Town of Cornwall for the year 1906, passed on the 9th day of July, A.D. 1906, are hereby declared to be legal, valid and binding upon the said Municipal Corporation and on the ratepayers thereof.

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## CHAPTER 103.

## An Act respecting the Floating Debt of the Town of Dundas.

*Assented to 13th April, 1909.*

WHEREAS the Municipal Corporation of the Town of Dundas has by petition represented that the said Corporation has incurred a floating debt of about \$20,000 in addition to the ordinary expenses of the said Corporation, which debt has been incurred for the most part in the construction of certain works and improvements of a necessary and permanent character, the particulars whereof are as follows:—\$4,372.19 in replacing and building a bridge with abutments over creek on McMurray Street, which had been rendered unsafe by washouts on said creek; \$4,137.40 for building permanent cement sidewalks on certain streets in said town; \$2,106.25 for installing a new Fire Alarm System in said town owing to the one in use having become unreliable; \$3,426.56 for the extension of water mains on certain streets in said town, owing to the Local Board of Health of the Corporation having recommended that the well water in that portion of the town where such extension was made should not be used owing to the same having become polluted; \$511.50 for the erection of an iron fence at Grove Cemetery; and \$5,456.52 for the amount of a verdict together with interest and costs, recovered against the Town Corporation by Joanna Sutton for the death of her husband; that no funds have been provided for payment of the said debt; that the existing debenture debt of the said Corporation is \$118,102.86 of which no part of principal or interest is in arrear; and that the total assessment of the said town is \$1,310,295; and whereas the said Corporation has further represented that to pay the said floating debt forthwith in addition to meeting the necessary annual expenses of the Corporation would be unduly oppressive to the ratepayers of the said Corporation; and whereas it has been made to appear that the members of the Council of the said Corporation are in favour of the consolidation of the said debt; and whereas the said Corporation by its said petition has prayed that the said floating debt may be consolidated

solidated and that the said Corporation may issue debentures for the amount thereof; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Floating debt consolidated.

1. The said floating debt of the Corporation of the Town of Dundas is hereby consolidated at the said sum of \$20,000, and it shall, and may be lawful for the said Corporation to raise by way of loan, on the credit of its debentures to be issued under the authority of this Act, from any person or persons or body corporate, the sum of \$20,000.

Amount of each debenture.

2. The said debentures shall be in sums of not less than \$100 each, and shall be made payable at such places as the Corporation may deem expedient.

Term and method of payment of debentures.

3. A portion of such debentures shall be made payable in each year, for a period not exceeding twenty years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to the aggregate amount payable for principal and interest during each of the other years of the period within which this debt is to be discharged; such interest shall be made payable by coupons to be attached to the said debentures, if the by-law so directs, and shall be at such rate not exceeding five per centum per annum as the said Corporation may direct, and shall be payable half yearly.

Hypothecation of debentures.

4. The said Corporation may for the purpose herein mentioned raise money by way of loan on the said debentures or sell and dispose of the same as may be deemed expedient.

Application of proceeds of.

5. The said debentures and all moneys arising therefrom shall be applied by the said Corporation to the redemption of the said floating debt of \$20,000 and for no other purpose whatsoever.

Assent of electors not required.

6. It shall not be necessary to obtain the assent of the ratepayers of the said Corporation to the passing of any by-law or by-laws which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or by-laws to be passed by the said Corporation under the provisions of this Act.

7. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder of said debentures shall not be bound to inquire as to the necessity of passing such by-law or issuing debentures, or as to the application of the proceeds thereof.

Irregularity in form not to invalidate by-law or debentures.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and interest thereon is fully paid and satisfied.

By-law not to be repealed until debt satisfied.

9. The said Corporation shall levy on all the rateable property in the said town, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Floating Debt Rate," and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Special rate.

10. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Dundas from any indebtedness or liability which may not be included in the indebtedness hereby consolidated.

Indebtedness of town not discharged.

11. It shall be the duty of the Treasurer for the time being of the said Corporation to keep, and it shall be the duty of the members from time to time of the Council of the said Corporation to procure such Treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said Corporation, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

Treasurer to keep special books of account.

## CHAPTER 104.

An Act to confirm an agreement between the Municipality of Dysart, the Canadian Land and Immigration Company of Haliburton, Limited, and others.

*Assented to 13th April, 1909.*

Preamble.

WHEREAS the Municipality of Dysart, The Canadian Land and Immigration Company of Haliburton, Limited, The Canadian Bank of Commerce and William Henry Lockhart Gordon, of the City of Toronto, in the County of York, Esquire, have by their petition represented that they did enter into the agreement set out as Schedule "A" hereto; and whereas owing to the fact that the said company, the said bank and the said William Henry Lockhart Gordon are owners of a large tract of land within said Municipality of Dysart, including the unsettled and unimproved portions of the nine townships comprised in said Municipality of Dysart, the assessment of these lands in accordance with the provisions of *The Assessment Act* would be very expensive and difficult; and whereas the said parties have for the reasons above set out by their petition prayed for an Act ratifying and confirming the said agreement of the 21st day of September, 1908; and whereas subject to the provisions hereinafter set forth it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement  
fixing assess-  
ment of prop-  
erty of  
Company  
confirmed.

1. Subject to section 2, the said agreement entered into by and between the Municipality of Dysart, The Canadian Land and Immigration Company of Haliburton, Limited, The Canadian Bank of Commerce and William Henry Lockhart Gordon, on the 21st day of September, 1908, set out as Schedule "A" hereto, is legalized and confirmed.

2.

2. Notwithstanding anything contained in the said Agreement to cover three years.  
agreement it shall have force and effect for three years from the 1st day of January, 1908, and no longer.

#### SCHEDULE "A"

This Indenture made this Twenty-first day of September, one thousand nine hundred and eight, between The Municipality of Dysart, hereinafter called the Municipality, of the First Part, and The Canadian Land and Immigration Company of Haliburton, Limited, The Canadian Bank of Commerce, and William Henry Lockhart Gordon, of the City of Toronto, in the County of York, Esquire, of the Second Part.

Whereas certain agreements have been heretofore made for the purpose of fixing the assessment of the properties of the parties of the Second Part within the Municipality of Dysart, which said agreements have been from time to time legalized by the Legislature of the Province of Ontario; to wit, by the Statutes 50 Victoria, chap. 49; 60 Victoria, chap. 63; 3 Edward VII, chap. 49;

And whereas the last of the said agreements expired in November, 1907;

And whereas the said agreements have worked satisfactorily, and it is deemed expedient to enter into a similar agreement to cover the period of five years from the 1st day of January, 1908;

Now, therefore, this indenture witnesseth, that the said party of the First Part and parties of the Second Part covenant, promise and agree to and with each other in the manner following:—

1. The total assessment of all the properties, real and personal, now owned by the parties of the Second Part within the said Municipality of Dysart, including business assessment (other than properties now assessed to lessees of the parties of the Second Part) shall for each year during the period of five years, commencing on the 1st day of January, 1908, and ending on the 31st day of December, 1912, except as provided in the next paragraph hereof, be two-thirds of the total assessment of the real and personal property and business assessment in the said Municipality of Dysart, which Municipality includes the Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde, and the total assessment of the property of other rate-payers in the said municipality, including real estate, personal property and business assessment, shall be one-third of the total assessment of the real and personal property and business assessment in the said municipality for each year during the said period.

2. In case of the sale or leasing by the parties of the Second Part of any of their properties so that such property may be lawfully assessable to other parties, the amount of the assessment of the parties of the Second Part shall be reduced in the next year's assessment by the assessable value of the property so sold or leased.

3. In case the parties of the Second Part or any of them should acquire any other property in the said municipality the same shall be assessable as settlers' property.

4. For the purpose of general taxation and school rates the properties of the parties of the Second Part may be assessed for a lump sum in said proportions without separate valuations being placed upon any lot or portion thereof or the said assessment being distributed in any way or any details thereof being entered in the assessment roll of the said municipality. The clauses of this Agreement

Agreement, however, are not to apply to local improvements the assessment and taxation and procedure for which shall be regulated by the provisions of *The Municipal Act*.

5. And it is further understood and agreed between the parties hereto that during the said period the Municipality of Dysart will incur no extraordinary expenditure without first consulting the rate-payers of the municipality, including the said parties hereto of the Second Part, regarding such expenditure.

6. And it is further agreed that the parties hereto, their successors or assigns may extend this agreement for such further period or periods as may from time to time be agreed upon, no extension to be for any greater period than five years at one time, and the extensions not to exceed in all twenty years. Any such extension may be made either before or after the expiration of said period of five years or any subsequent period during which this agreement may be extended and such extension may be upon the same terms as to proportions of assessment as this agreement or upon any other terms as to such proportions as may be agreed upon; and in the event of the parties hereto at the expiry of any period being agreed that a further extension for a fixed period should be had but not being able to agree as to the proportions of assessment in any such extension, then the same shall be referred to the Judge of the County Court of the County of Victoria for his opinion as to the proper proportions of the relative assessment of the parties of the Second Part and the other ratepayers of the Municipality of Dysart during the period of such extension and in the event of such reference the decision of the said Judge as to the relative proportions of assessment shall be legal and binding upon the parties hereto, during such period, and a proper agreement shall thereupon be executed by the parties embodying the decision of such Judge, such Judge to be allowed the same charges for his services as he would be entitled to on an appeal from a county equalization.

7. And it is further agreed that the parties shall apply to the Legislature of the Province of Ontario for the confirmation of this agreement by an Act thereof, the cost of obtaining such Act to be paid by the said municipality out of the revenues thereof.

In witness whereof the said Municipality of Dysart, the said Canadian Land and Immigration Company of Haliburton, Limited, and the said Canadian Bank of Commerce have hereunto caused to be affixed their corporate seals and the said William Henry Lockhart Gordon his hand and seal the day and year first above written.

W. H. LOCKHART GORDON,  
President.

H. D. LOCKHART GORDON,  
Secretary.

Signed, sealed and delivered  
in the presence of  
T. J. COWAN.

(Corporate Seal.)  
For the CANADIAN BANK OF COMMERCE,

B. E. WALKER,  
President.  
A. W. LIARD, (Corporate Seal.)  
General Manager.

A. FLEMING, as to execu-  
tion by W. H. Lock-  
hart Gordon.

W. H. LOCKHART GORDON. (Seal.)

Witness:

C. D. KELLETT, as to ex-  
ecution by W. Giles  
and G. H. Potts.

W. GILES,

Reeve.

G. H. POTTS,  
Clerk. - (Corporate Seal.)



## CHAPTER 105.

## An Act respecting the Township of Etobicoke.

*Assented to 13th April, 1909.*

**W**HEREAS the Council of the Municipal Corporation Preamble  
of the Township of Etobicoke has by petition represented that it is desirable and expedient and necessary for the public health that a sewage disposal plant and system for sanitary sewer and drainage purposes be installed, operated and maintained at and near the unincorporated Village of New Toronto and that the cost thereof and of its operation and maintenance be paid for by special assessments and special rates to be imposed and levied against the lands and premises to be benefited thereby, being all and singular those certain parcels or tracts of lands and premises situated within the following boundaries, namely: That portion of the Township of Etobicoke bounded on the north by the main line of the right of way of the Grand Trunk Railway (formerly The Great Western Railway Co.), on the east by the westerly limit of plan M. 76 to the Lake Shore Road and south of the Lake Shore Road by the easterly boundary of Plan 1,101; on the south by Lake Ontario; on the West by the limits between lots 3 and 4 in broken front concession and by the easterly limit of plan 1,101, north of the Lake Shore Road to the southerly limit of the first tier of lots fronting on New Toronto Street according to said plan 1,101; thence westerly along said southerly limit of said lots to a point opposite the Westerly end of the sewer on New Toronto Street and on the north of New Toronto Street by the westerly limit of the Grand Trunk property south of their said right of way and together with such other lands as may be benefited thereby; and whereas more than two-thirds of the owners of the said lands, representing more than one-half of the value thereof have petitioned the Council of the said municipality for the construction, maintenance and operation of the said system, and that the cost thereof be levied partially by a frontage rate and partially by a special rate upon the lands benefited

benefited thereby according to the benefit received therefrom; and whereas it is expedient to grant the prayer of the said petition of said Council as hereinafter contained;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to  
construct sewage  
disposal  
plant and  
waterworks.

1. The Municipal Corporation of the Township of Etobicoke may construct a sewage disposal plant and system for sanitary sewer and drainage purposes in the Township of Etobicoke, aforesaid, and at or near the unincorporated Village of New Toronto, together with waterworks, or may arrange for a supply of water for the operation of the said system and for domestic and trade and manufacturing purposes, together with all necessary appurtenances, apparatus, drains, mains, sewers and connections, and may expend not to exceed \$14,000.00 inclusive of the bonuses hereinafter mentioned and may assess and levy upon the above mentioned real property a special rate or rates sufficient to include a sinking fund for the repayment of debentures which such Council is, for the cost of construction thereof, hereby authorized to, by by-law, without the assent of the owners of said real property or of the electors, issue to the extent of not exceeding \$10,500.00 on the security of such rate; and the said Township may guarantee such debentures by the Township at large, to provide funds for the construction of such system and its operation and maintenance, and may pass by-laws for so assessing and levying the same by an annual rate in the dollar on said real property, and may also pass by-laws for the management of such system or works and may appoint such officer or officers as are required therefor.

Special rate.

2. For the purposes of payment of any debentures issued for the purposes of this Act and the interest thereon and for the purpose of assisting in the payment for the operation and maintenance of the said system, the corporation may from time to time provide by by-laws for the assessment and collection of a special rate or rates in each year upon the said several properties according to the assessed value thereof as well as upon all properties, save as hereinafter mentioned, which may enjoy the advantage of the said system or any part thereof to meet the yearly interest on debentures issued for the purposes of the said works and to form a sinking fund for the payment of all said debentures and to meet the cost of the estimated cost of the maintenance and operation thereof.

Separate  
account for  
moneys  
received and  
expended.

3. A separate account shall be kept of all moneys received or expended on account of the said works or system so that the owners of the said real property shall obtain the benefit of all receipts on account of the said works

works or that such owners and tenants may obtain the benefit of any excess received from this source for the previous year or may be charged with any deficiency.

4. In case any person outside the limits of the said real property desires to receive the benefit of the works the Council may permit him to do so on such terms as the Council may deem just and may pass such by-laws as may be required to charge the property to be served with its proper share of the cost, operation and maintenance of such system and works and for giving the other owners of real property the benefit thereof.

Persons outside of prescribed area may be served.

5. In case of any manufacturer desiring to use or using the said system or any part or parts thereof, such manufacturer or manufacturers may receive the benefit of the said system on such terms as the Council may deem just and the Council may receive from any such manufacturer or manufacturers or from the Industrial School Associations of Toronto any gift, bonus or lump sum towards the construction of the said system in lieu of or in addition to any rates, charges or assessments chargeable to any manufacturer or manufacturers hereunder.

Use of works by manufacturers.

6. The said municipality shall not be compelled to admit and may prohibit the emptying into any sewer of any liquid or solid matter which would prejudicially affect the said sewer or the disposal of the sewage matter conveyed along such sewers or which would from its temperature or otherwise be injurious in a sanitary point of view.

Prohibiting deposit of injurious liquids, etc.

7. By-laws may be passed by the said Municipality for charging all persons who own or occupy property which is drained into the said system or any part thereof or which by any by-law of the Council is required to be drained into such system with a reasonable rent for the use of same and for regulating the time or times and manner in which the same is to be paid, and to provide for the payment of a commutation of such rent or for charging a gross sum in lieu of rent, and for the payment of such commutation or gross sum either in cash or by instalments with interest.

Sewer rents.

8. The Corporation may construct, erect and maintain in and upon the said lands, or any part or parts thereof a sewage disposal plant, tanks, reservoirs, waterworks and machinery requisite for the undertaking and for conveying sewerage and supplying water in and upon and through any lands by one or more sewers, drains, pipes and mains as may from time to time be found necessary.

Erection of sewage disposal plant, etc.

Power to lay down sewers, etc., on lands of other persons.

9. The Corporation and their servants under authority may for the said purposes enter and pass upon and over any lands and may cut and dig up the same, if necessary, and lay down the said sewers, drains, pipes, and mains through the same and in, upon, through, over and under the highways, streets, lanes, roads or other passages within the municipality and in, upon, through, over and under the lands and premises of any person within the municipality; but all lands not the property of the municipality and all highways, roads, streets, lands, or other passages which shall be dug up or be interfered with shall be restored to their original condition without unnecessary delay.

Regulation of distribution of water and use of sewers.

10. The Corporation may regulate the distribution and use of water in its said system, and may regulate the manner of using any sewers or drains in all places and for all purposes where the same may be required, and may direct in what manner and for what purposes the same may be used and from time to time shall fix the price for the use thereof and the times of payment, all of which they may charge at their discretion.

Moneys payable for use of sewer, etc., to be a lien on land.

11. The sum payable by the owner or occupant of any house, tenement, factory, lot or part of a lot for any use of the system or any part thereof and the rates, costs and charges by this Act authorized to be collected shall be a lien and charge on the house, tenement, factory, lot or part of lot served, and may be levied and collected in like manner as municipal taxes are by law recoverable.

Assessment of Mimico Industrial School.

12. The Industrial School Association of Toronto, in the event of their desiring to use the said system or any part thereof and paying the bonus hereinafter mentioned, notwithstanding section 684 of *The Consolidated Municipal Act, 1903*, shall be liable to be assessed for the cost of maintenance and operation only in the same manner and to the same extent as other land or users are assessed for the purposes hereof.

Assessment of properties benefited.

13. All revenues arising from the said system or works or from the real or personal property appertaining thereto shall, after providing for the expenses attendant upon the operation and maintenance of the same, form part of the fund for the payment of the said debentures or of the interest thereon as the Corporation may direct.

Debentures validated.

14. All debentures to be issued hereunder and all assessments to be made for the payment thereof and for the maintenance and operation of the said system shall be legal, valid and binding.

15. The manufacturers whose plants are now situate within the area of the above particularly described lands shall jointly contribute a bonus of \$1,500 in and towards the construction of the said sewerage system in such proportions as they may mutually agree upon and in the event of their not agreeing upon their respective proportions, then they shall pay in such proportions as may upon application to him be determined by the Engineer of "The Ontario Railway and Municipal Board."

Certain manufacturers to contribute \$1,500.

16. The construction of the works hereby authorized shall not be commenced until \$2,000 by way of bonus has been to said township paid or guaranteed to be paid by the Industrial School Association of Toronto and \$1,500 (fifteen hundred dollars) by the said manufacturers.

Payment of contribution before construction.

17. The provisions of *The Municipal Water Works Act* and the amendments thereto heretofore or hereafter passed in so far only as are not inconsistent herewith are hereby incorporated with this Act as if the same were repeated herein in so far as the same are applicable to such system with the addition of the words "Sewerage System" after the words "Water Works" wherever the words "Water Works" occur in the said Act.

Application of provisions of Rev. Stat., c. 235.

18 Subsection 2 of section 532 of *The Consolidated Municipal Act, 1903*, shall be applicable to the Township of Etobicoke as well as to cities, towns and villages.

3 Edw. VII., c. 19, s. 532, subs. 2 to apply.

## CHAPTER 106.

## An Act respecting the City of Fort William, 1909.

*Assented to 13th April, 1909.*

## Preamble.

WHEREAS the Corporation of the City of Fort William has by petition represented that by-laws numbered 616, 606, 614, and 605, respectively, of the said city, set forth in Schedules "A," "B," "C," and "D" respectively, to this Act, were each published for at least three successive weeks, in a newspaper published at Fort William, prior to the date of voting thereon; that each of the said by-laws was submitted to the electors of the said city entitled to vote on money by-laws at the general municipal elections held on Monday, the fourth day of January, 1909; that out of 2,315 votes entitled to be polled in respect of such by-laws, 497 were non-resident, and the following was the result of the poll:—By-law No. 616, 744 votes in favour of and 215 votes against; by-law No. 606, 562 votes in favour of and 394 votes against; by-law No. 614, 833 votes in favour of and 144 votes against; by-law No. 605, 839 votes in favour of and 154 votes against; that each of the said by-laws received its third reading and was finally passed by the Council of the said city at a meeting of the said Council held on Monday, the eleventh day of January, 1909; that the existing debenture debt of the said Corporation, exclusive of the local improvement debenture debt, amounts to \$1,900,507.18, made up as follows:—

General debenture debt .....	\$549,792 00
School debenture debt .....	189,863 54
Street Railway debenture debt .....	231,000 00
Waterworks debenture debt .....	647,863 54
Electric Light debenture debt .....	160,988 10
Telephone debenture debt .....	121,000 00

in respect of which a sinking fund of \$219,048.40 has been provided; that the amount of the rateable property of the said Corporation, according to the last revised assessment roll, liable for the general taxation of the said Corporation is \$8,608,997; and that the amount of the rateable property

of

of the said Corporation, according to the last revised assessment roll, liable to taxation for school purposes is \$10,269,557; and whereas the said Corporation has by petition prayed for special legislation in respect of the above and other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) By-law No. 616 of the said city, intituled “A By-law No. 616 confirmed. by-law to raise the sum of six thousand dollars for the purpose of purchasing lands from the Dominion Government necessary to allow the city to open up a public road or highway adjoining the lands of The Grand Trunk Pacific Railway Company on the Fort William Indian Mission Reserve, and to provide for the issue of debentures necessary therefor,” as set out in Schedule “A” hereto, is declared to be and to have always been, since the eleventh day of January, 1909, a valid, legal and existing by-law of the said city, and the debentures now issued, or which may or shall hereafter be issued thereunder (when so issued) are declared to be legal and binding upon the said Corporation and the ratepayers thereof.

(2) The strip of land 100 feet in perpendicular width which is now being acquired from the Indian Department of the Dominion Government for the purpose of opening up and establishing a public highway 100 feet in perpendicular width immediately adjoining the present south limits of the City of Fort William, commencing at a point in the south limit of the present limits of the City of Fort William, where Young Street produced south in a straight line would intersect the same, thence following the said south limit of the City of Fort William, to Thunder Bay, shall, when, and so soon as the same is granted to or acquired by the Corporation of the City of Fort William, be and form part of the City of Fort William, and such lands shall, when and so soon as the same becomes part of the said City of Fort William hereunder, be and form part of Ward Four of the City of Fort William. Land required from Dominion for road to form part of City.

2.—(1) By-law No. 606 of the said city, intituled “A By-law No. 606 confirmed. by-law to authorize a certain agreement with the Mount McKay and Kakabeka Falls Railway Company, and to raise the sum of \$9,000 by way of debentures for the purpose of enabling the city to carry out its part of such agreement,” as set out in Schedule “B” hereto, is declared to be and to have always been, since the eleventh day of January, 1909, a valid, legal and existing by-law of the said city, and the debentures now issued, or which may or shall hereafter

after be issued thereunder (when so issued) are declared to be legal and binding upon the said Corporation and the ratepayers thereof.

Authority to  
make agree-  
ment with  
Mt. McKay  
& Kakabeka  
Falls Ry. Co.

(2) The said city may enter into the agreement with the Mount McKay and Kakabeka Falls Railway Company, set forth as Schedule "A" to the said by-law No. 606, and the said agreement, when so entered into and executed by the said city and the Company respectively, shall be valid and binding on the said city and the said Company respectively.

Power to  
borrow money  
for putting in  
private sewer  
connections.

3.—(1) The Council of the said city may, without obtaining the assent of the ratepayers thereto, borrow on the credit of the said Corporation all sums of money which may from time to time be required to put in private sewer connections under the provisions of section 26 of *An Act to incorporate the City of Fort William and for other purposes*, passed in the seventh year of His Majesty's reign, as well as to provide for all expenditure heretofore incurred therefor under such Act, and may issue debentures of the said Corporation therefor, payable within five years from the date of issue thereof, and bearing interest at such rate as the Council may deem meet.

Debentures to  
be special  
charge on rates  
levied.

(2) Such debentures shall form a special lien on the rates, levies and assessments to be made for such private sewer connections under the said section 26.

Composition of  
Council.

4. In and for the year 1910 and each year thereafter the Council of the said city shall consist of a Mayor, who shall be the head thereof, and three aldermen for each ward.

By-law 614  
amended.

5.—(1) By-law No. 614 of the said city, set out in Schedule "C," intituled "A by-law to raise the sum of \$5,000 for the purpose of installing a Fire Alarm System in the said city and to provide for the issue of debentures necessary thereof," is hereby amended by striking out "\$87.23" wherever the same occurs in the said by-law, and substituting therefor "\$436.15," and by striking out "\$312.24" wherever it occurs in the said by-law, and substituting therefor "\$661.15."

Amendment  
retroactive.

(2) Such amendments shall be deemed to have been made on the day of the final passing of such by-law.

8 Edw. VII,  
c. 80, s. 7,  
amended.

6. Section 7 of *An Act respecting the City of Fort William*, passed in the eighth year of His Majesty's reign, Chaptered 80, is hereby amended by striking out the following words: "which have heretofore been occasioned," in the fifth line thereof, and substituting the words, "which arose before the first day of January, 1908," therefor.



7. Notwithstanding anything contained in paragraph 4 (a) of the agreement set forth in Schedule "B" to *An Act respecting the City of Fort William*, passed in the eighth year of His Majesty's reign, Chaptered 80, the appointment of the two Commissioners, who are required to be annually appointed by the Board of Commissioners of the City of Fort William from among itself, may, in case the Board of Water and Light Commissioners of the City of Fort William is done away with under the provisions of *The Municipal Waterworks Act*, be annually thereafter appointed by the Council of the said city.

Appointment  
of Street Rail-  
way Commis-  
sioners by  
Council in  
certain case.

8.—(1) By-law Number 605 of the said city, entitled "A by-law to authorize the making of a certain agreement with the Canadian Pacific Railway Company respecting the exemption of certain property of the said Company in the City of Fort William and other matters," as set out in Schedule "D" hereto, is hereby validated and confirmed and declared to be a valid, legal and existing by-law of the said city, and the agreement set out as Schedule "A" to said By-law Number 605 is hereby validated and confirmed and made binding upon the Corporation of the City of Fort William and the Canadian Pacific Railway Company; and it is hereby declared that the said The Corporation of the City of Fort William had at the time of the making and execution thereof by the said City full power and authority to make and execute the same and to contract and to do all acts and things in said agreement on its part contracted and done or as the said City in or by the said agreement has purported to contract or do, and has full power and authority to carry out the terms and provisions of the said agreement on its part agreed to be carried out, observed and performed.

By-law 605  
confirmed.

(2) Every person who would be entitled to compensation for the closing of that portion of the highway fifthly described in clause (e) of paragraph 2 of the agreement set forth in Schedule "D" to this Act in case the said highway was lawfully closed under the provisions of *The Municipal Act*, shall, by reason of the closing of such highway, hereunder be entitled to the same compensation as such person would be entitled to if such highway was lawfully closed under the provisions of *The Municipal Act*; and in case of disagreement as to the amount of such compensation, if any, the same shall be determined by arbitration under the provisions of *The Municipal Act*.

Compensation .

(3) The Corporation of the City of Fort William shall take and acquire the water lots or lands covered with water patented by the Crown to John Thomas Horne on the 14th day of December, 1906, and which are situate east and in front of lots Numbers 11 and 13 in Concession "K" in the Township

Power to  
expropriate  
water lots.

Township of Neebing additional, now in the City of Fort William, paying to the owner the value thereof as if the agreement set out in Schedule "D" to this Act had not been made.

Railway and  
Municipal  
Board to be  
arbitrators.

Proviso.

Award to be  
final.

On payment of  
award lots to be  
vested in City.

Power to  
borrow.

(4) In case of disagreement as to such value the same shall be determined by The Ontario Railway and Municipal Board, who shall for such purpose have all the powers conferred on arbitrators by the provisions of *The Consolidated Municipal Act, 1903*, relating to arbitrations. Provided, however, that the Board in determining the amount to be paid as aforesaid shall not take into account any alteration in the value of the said water lots or lands covered with water which may have been or might be attributable to or caused by the said agreement or anything contained therein, or by reason of the construction of any of the works contemplated by the said agreement.

(5) The award of the said Board shall be final and without appeal.

(6) Upon payment of the amount agreed upon or ascertained as aforesaid the said water lots or lands covered with water shall be vested in the said Corporation, and thereupon the said Corporation may sell and convey the same to the Canadian Pacific Railway Company for a price not less than the amount so agreed upon or ascertained as aforesaid.

(7) The council of the said City may pass a by-law, without obtaining the assent of the electors entitled to vote on money by-laws, providing for the issue of debentures payable within twenty years from the date of issue thereof and bearing interest at such rate as the council may by such by-law determine, in order to raise the amount agreed upon or ascertained as aforesaid.

#### SCHEDULE "A."

##### CITY OF FORT WILLIAM.—BY-LAW No. 616.

A By-law to raise the sum of six thousand dollars for the purpose of purchasing lands from the Dominion Government necessary to allow the City to open up a Public Road or Highway adjoining the lands of the Grand Trunk Pacific Railway Company on the Fort William Indian Mission Reserve, and to provide for the issue of debentures necessary therefor.

Whereas the council of the said city deem it desirable and necessary that the city should establish a public highway one hundred (100) feet in perpendicular width on the Fort William Indian Mission Reserve, adjoining and following the south boundary of the lands of The Grand Trunk Pacific Railway Company from near the intersection of the south boundary of the Company's lands with Yonge Street, produced south in a straight line, to Thunder Bay,

Bay, in order to give the public access to the Company's lands and works;

And whereas in order to do so it is necessary to purchase some 56.08 acres from the Indian Department of the Dominion Government, at a cost of \$5,680.00, which with the incidental expense of making title, preparing and submitting this by-law will require \$6,000.00 in all;

And whereas the said sum of \$6,000 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said City of Fort William, according to the last revised assessment roll, is \$6,629,637.00;

And whereas the existing debenture debt of the said city, exclusive of the local improvement debenture, amounts to \$1,501,444.48, made up as follows:—

Waterworks debenture debt .....	\$566,300 05
Electric light debenture debt .....	150,988.10
Telephone debenture debt .....	103,000 00
General debenture debt .....	629,156 33
Street railway .....	52,000 00

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$136,938.28 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of the said Corporation to the amount of \$6,000.00, bearing interest at four and one-half per centum per annum;

And whereas it will require the sum of \$270.00 to be raised annually for a period of twenty years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest on the said debt and the sum of \$223.29 to be raised annually during the said period for the payment of the said debt intended to be created by this by-law, such last mentioned sum, being sufficient with the estimated interest on the investment thereof to discharge of the said debt when the same becomes payable, making in all the sum of \$493.29 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$493.29 to be raised annually for a period of twenty years by a special rate on the whole rateable property in the said city for the payment of the said debt and interest as aforesaid;

Therefore the Corporation of the City of Fort William enacts as follows:—

1. It shall and may be lawful for the said Corporation, and it is hereby empowered to borrow the said sum of \$6,000.00, on the credit of the said Corporation for the purposes aforesaid, and to issue debentures of the said Corporation to the amount of \$6,000.00, in sums of not less than \$100.00 each, payable within twenty years from the date of issuing such debentures and to bear interest at four and one-half per centum per annum, payable half-yearly on the first days of the months of February and August in each year respectively during the currency of the said debentures.

2. The said debentures shall bear date as of the day of issue thereof, shall be signed by the mayor and treasurer thereof and sealed with the corporate seal.

3. During the said period of twenty years (the currency of the debentures to be issued hereunder), there shall be raised and levied annually upon the whole rateable property in the said City of Fort William, in addition to all other rates, levies and assessments, the said sum of \$270.00 to pay the interest on the said debentures, and also the further sum of \$223.29 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the said sum of \$493.29 to be raised annually as aforesaid.

4. The said debentures shall have attached thereto coupons for the payment of interest thereon and the said debentures as to principal

principal and interest shall be payable at the office of the city treasurer, Fort William, Ontario.

5. Every debenture to be issued hereunder shall contain a provision in the following words:—"This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the treasurer of the municipality, be transferable except by entry of the treasurer or his deputy in the debenture registry book of the said Corporation at the said City of Fort William" or to like effect.

6. This by-law shall come into force on the date of the final passing thereof.

7. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the 4th day of January, 1909, and the polls shall be held at the same hour, on the same day, at the same places and by the same deputy returning officers and poll clerks as the municipal elections for 1909 will be held.

8. That on Friday, the 1st day of January, 1909, at the hour of ten o'clock in the forenoon, the mayor of Fort William, will attend at the office of the city clerk for the purpose of appointing in writing signed by himself, two persons to attend at the final summing up by the City Clerk of the votes polled on this by-law and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

9. That on Tuesday, the 5th day of January, 1909, at the hour of ten o'clock in the forenoon, at the offices of the clerk of the City of Fort William, the clerk of the said city will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the said City of Fort William, as witnessed by the hands of its mayor and clerk, 11th day of January, 1909.

Mayor.  
Clerk.

#### SCHEDULE "B."

##### CITY OF FORT WILLIAM.—BY-LAW No. 606.

A By-law to authorize a certain Agreement with the Mount McKay and Kakabeka Falls Railway Company, and to raise the sum of \$9,000.00 by way of Debentures for the purpose of enabling the City to carry out its part of such agreement.

Whereas the council of the said city deem it expedient and desirable to enter into the agreement with The Mount McKay and Kakabeka Falls Railway Company, hereinafter set out as Schedule "A" to this by-law;

And whereas the city will require to raise the sum of \$9,000.00 by way of debentures in order to enable it to carry out its part of the said agreement;

And whereas the said sum of \$9,000.00 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said City of Fort William, according to the last revised assessment roll is \$6,629,637.00;

And whereas the existing debenture debt of the said city, exclusive of the local improvement debentures, amounts to \$1,501,444.48, made up as follows:—

Waterworks debenture debt .....	\$566,300 05
Electric light debenture debt .....	150,988 10
Telephone debenture debt .....	103,000 00
General debenture debt .....	629,156 33
Street railway debenture debt .....	52,000 00

of which no part of the principal or interest is in arrear, and for the payment of which a sinking fund of \$136,938.28 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of the said Corporation to the amount of \$9,000.00, bearing interest at four and one-half per centum per annum;

And whereas it will require the sum of \$405.00 to be raised annually for a period of twenty years, the currency of the debentures to be issued under and by virtue of this by-law to pay the interest on the said debt, and the sum of \$334.94 to be raised annually during the said period for the payment of the said debt intended to be created by this by-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes payable, making in all the sum of \$739.94 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$739.94 to be raised annually for the period of twenty years by a special rate on the whole rateable property in the said city for the payment of the said debt and interest as aforesaid;

Therefore the Corporation of the City of Fort William enacts as follows:—

1. It shall and may be lawful for the said Corporation, and it is hereby empowered to enter into an agreement with The Mount McKay and Kakabeka Falls Railway Company to the effect set forth in Schedule "A" hereto, and the mayor and clerk for the time being of the said Corporation are hereby authorized to sign, seal with the corporate seal, execute and deliver the agreement set forth in Schedule "A" hereto on behalf of the said Corporation.

2. It shall and may be lawful for the said Corporation and it is hereby empowered to borrow the said sum of \$9,000.00 on the credit of the said Corporation for the purposes aforesaid, and to issue debentures of the said Corporation to the amount of \$9,000.00, in sums of not less than \$100.00 each, payable within twenty years from the date of issuing such debentures, and to bear interest at four and one-half per centum per annum, payable half-yearly on the 1st day of the months of February and August in each year respectively during the currency of the said debentures.

3. The said debentures shall bear date as of the day of issue thereof, shall be signed by the mayor and treasurer thereof, and sealed with the corporate seal.

4. During the said period of twenty years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said City of Fort William, in addition to all other rates, levies and assessments, the said sum of \$405.00 to pay the interest on the said debentures, and also the further sum of \$334.94 as a sinking fund for the payment of said debt at the maturity thereof, making in all the said sum of \$739.94 to be raised annually as aforesaid.

5. The said debentures shall have attached thereto coupons for the payment of interest thereon and the said debentures as to principal and interest shall be payable at the office of the city treasurer, Fort William, Ontario.

6. Every debenture to be issued hereunder shall contain a provision in the following words:—"This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this Municipal Corporation, be transferable, except by entry by the treasurer or his deputy, in the debenture registry book of the said Corporation, at the said City of Fort William," or to like effect.

7. This by-law shall come into force on the day of the final passing thereof.

8. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the 4th day of January,

January, 1909, and the polls shall be held at the same hour, on the same day, at the same places and by the same deputy returning officers and poll clerks as the municipal elections for 1909 will be held.

9. That on Friday, the 1st day of January, 1909, at the hour of ten o'clock in the forenoon, the mayor of Fort William will attend at the office of the city clerk for the purpose of appointing in writing, signed by himself, two persons to attend at the final summing up by the city clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

10. That on Tuesday, the 5th day of January, 1909, at the hour of ten o'clock in the forenoon, at the offices of the clerk of the City of Fort William, the clerk of the said city will proceed to sum up the number of votes given for and against this by-law.

11. This by-law is subject to confirmation by the Legislature of the Province of Ontario.

Given under the corporate seal of the City of Fort William, as witnessed by the hand of its mayor and clerk, this 11th day of January, 1909.

L. L. PELTIER,  
Mayor.

A. McNAUGHTON,  
Clerk.

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*Schedule "A" to By-law No. 606.*

Memorandum of Agreement made in duplicate this      day of      ,  
A. D. 1909, between The Mount McKay and Kakabeka Falls  
Railway Company (hereinafter called the Company), of the  
First Part, and The Corporation of the City of Fort William  
(hereinafter called the Corporation), of the Second Part.

Whereas the said Corporation entered into an agreement with the said Company permitting the said Company to construct an electric railway within the limits of the City of Fort William;

And whereas the Company in pursuance of such agreement, has represented that it has expended the sum of nine thousand dollars (\$9,000.00) in and towards constructing such electric railway within the limits of the City of Fort William;

And whereas the Corporation is now desirous that the said Company should not now construct such railway, but are desirous of compensating the said Company for the expenditure it has made;

Therefore this agreement witnesseth that the said Company and the said Corporation mutually covenant, promise and agree, each with the other of them as follows:

1. That in consideration of the sum of nine thousand dollars to be paid by the Corporation to the Company as soon as may reasonably be after the confirmation hereof, the Company agree as follows:—

(1) To release the Corporation from all agreements and covenants made and entered into by, with, or on behalf of the said Corporation, or the council thereof, by, with, or on behalf of the said Company, and also of and from all by-laws and resolutions passed by the said Corporation or the council thereof in any way affecting or dealing with the said Company.

(2) To grant, transfer, assign and set over unto the said Corporation all the right, title and interest of the Company in and to any and every electric railway constructed by the said Company within the limits of the City of Fort William and every part thereof as well as the benefit of all work performed and materials supplied by or on behalf of the Company in respect thereof, and  
without

without limiting the general words hereinbefore used, including the following:—

65 tons of eighty-pound rails.

600 ties.

Fish plates, bolts and spikes.

Land held for terminal site on McIntyre and Hargrave Streets.

75 poles.

(3) To deliver over to the Corporation all plans, profiles, outlines of the city, and other engineering work prepared by the said Company in connection with the construction of an electric railway within the limits of the said city or any part thereof, including proposed crossings on other railways within the limits of Fort William and the certificates of approval of the Board of Railway Commissioners for Canada, and The Ontario Railway and Municipal Board, and all other documents in the possession of the Company in any way relating to the construction of such railway or crossings within the limits of Fort William.

This agreement is subject to the approval of the ratepayers of the said Corporation and to confirmation by the Legislative Assembly of the Province of Ontario.

In witness whereof the Corporate Seal of the said Company and the said Corporation and the hands of their proper officers in that behalf.

### SCHEDULE "C."

#### CITY OF FORT WILLIAM.—BY-LAW No. 614.

A By-law to raise the sum of \$5,000 for the purpose of installing a Fire Alarm System in the said City, and to provide for the issue of debentures necessary thereof.

Whereas the council of the said city deem it expedient that a fire alarm system should be installed in the said city, at a cost of \$5,000.00;

And whereas the said sum of \$5,000.00 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said City of Fort William, according to the last revised assessment roll is \$6,629,637.00;

And whereas the existing debenture debt of the said city, exclusive of the local improvement debentures, amounts to \$1,501,444.48, made up as follows:—

Street railway debenture debt .....	\$52,000 00
Waterworks debenture debt .....	566,300 05
Electric light debenture debt .....	150,988 10
Telephone debenture debt .....	103,000 00
General debenture debt .....	629,156 33

of which no part of the principal or interest is in arrear, and for the payment of which a sinking fund of \$136,938.28 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of the said Corporation to the amount of \$5,000.00, bearing interest at four and one-half per centum per annum;

And whereas it will require the sum of \$225.00 to be raised annually for a period of ten years, the currency of the debentures to be issued under and by virtue of this by-law to pay the interest on the said debt, and the sum of \$87.23 to be raised annually during the said period for the payment of the said debt intended to be created by this by-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes payable, making in all the sum of \$312.23 to be raised annually as aforesaid for the payment of the said debt and interest;

And



And whereas it will require the sum of \$312.23 to be raised annually for a period of ten years by a special rate on the whole rateable property in the said city for the payment of the said debt and interest as aforesaid;

Therefore the Corporation of the City of Fort William enacts as follows:—

1. It shall and may be lawful for the said Corporation, and it is hereby empowered to borrow the said sum of \$5,000.00 on the credit of the said Corporation for the purposes aforesaid, and to issue debentures of the said Corporation to the amount of \$5,000.00 in sums of not less than \$100.00 each, payable within ten years from the date of issuing such debentures and to bear interest at four and one-half per centum per annum, payable half-yearly on the first day of the months of February and August in each year respectively during the currency of the said debentures.

2. The said debentures shall bear date as of the day of issue thereof, shall be signed by the Mayor and Treasurer thereof, and sealed with the corporate seal.

3. During the said period of ten years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said City of Fort William, in addition to all other rates, levies and assessments, the said sum of \$225.00 to pay the interest on the said debentures, and also the further sum of \$87.23 as a sinking fund for the payment of said debt at the maturity thereof, making in all the said sum of \$312.23 to be raised annually as aforesaid.

4. The said debentures shall have attached thereto coupons for the payment of interest thereon, and the said debentures as to principal and interest shall be payable at the office of the city treasurer, Fort William, Ontario.

5. Every debenture to be issued hereunder shall contain a provision in the following words:—"This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this Municipal Corporation, be transferable, except by entry by the treasurer or his deputy in the debenture registry book of the said Corporation, at the said City of Fort William," or to like effect.

6. This by-law shall come into force on the day of the final passing thereof.

7. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the 4th day of January, 1909, and the polls shall be held at the same hour, on the same day, at the same places and by the same deputy returning officers and poll clerks as the municipal elections for 1909 will be held.

8. That on Friday, the 1st day of January, 1909, at the hour of ten o'clock in the forenoon, the mayor of Fort William will attend at the office of the city clerk for the purpose of appointing in writing, signed by himself, two persons to attend at the final summing up by the city clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

9. That on Tuesday, the 5th day of January, 1909, at the hour of ten o'clock in the forenoon, at the offices of the clerk of the City of Fort William, the clerk of the said city will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the City of Fort William as witnessed by the hand of its mayor and clerk, this 11th day of January, 1909.

L. L. PELTIER,  
Mayor.

A. McNAUGHTON, Clerk.  
SCHEDULE

(Seal).



## SCHEDULE "D."

## BY-LAW No. 605.—CITY OF FORT WILLIAM.

A By-law to authorize the making of a certain agreement with the Canadian Pacific Railway Company, respecting the exemption of certain property of the said Company in the City of Fort William, and other matters.

Whereas the council of the said city deem it desirable and in the best interests of the said city that the agreement hereinafter set forth in Schedule "A" hereto, should be made and entered into with the Canadian Pacific Railway Company;

Therefore the Corporation of the City of Fort William enacts as follows:—

1. That the said Corporation be and it is hereby authorized to enter into an agreement with the Canadian Pacific Railway Company to the effect set forth in Schedule "A" hereto, and the mayor and clerk respectively of the said Corporation for the time being are hereby authorized to sign, seal with the corporate seal, execute and deliver the same on behalf of the said Corporation.

2. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the 4th day of January, 1909, and the polls shall be held at the same hour, on the same day, at the same places and by the same deputy returning officers and poll clerks as the municipal elections for 1909 will be held.

3. That on Friday, the 1st day of January, 1909, at the hour of ten o'clock in the forenoon, the mayor of Fort William will attend at the office of the city clerk for the purpose of appointing in writing, signed by himself, two persons to attend at the final summing up by the city clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

4. That on Tuesday, the 5th day of January, 1909, at the hour of ten o'clock in the forenoon, at the offices of the clerk of the City of Fort William, the Clerk of the said city will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the City of Fort William, as witnessed by the hand of its mayor and clerk this 11th day of January, 1909.

(Signed) L. L. PELTIER,  
Mayor.

(Signed) A. McNAUGHTON.  
Clerk.

(Seal).

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*Schedule "A" to By-law No. 605.*

This Agreement made in duplicate this 14th day of December, one thousand nine hundred and eight, between The Canadian Pacific Railway Company, hereinafter called "the Company," of the First Part, and The Corporation of the City of Fort William, hereinafter called "the City," of the Second Part, witnesseth that:

1. In consideration of the exemption by the City of the Company's property as hereinafter mentioned, and of the covenants and agreements by and on the part of the City hereinafter contained, and subject to the ratification and confirmation by the Legislature of Ontario of the covenants and agreements on the part of the City in this agreement contained, the Company covenants and agrees with the City as follows:—

(a)

(a) The Company will, subject as aforesaid, and to the approval of the Board of Railway Commissioners for Canada, and the Governor-General in Council, within three months after the ratification and confirmation aforesaid, commence the construction of, or cause to be commenced the construction of, and within eighteen months thereafter complete and thereafter maintain or cause to be completed and maintained, except as hereinafter mentioned, a joint railway and traffic bridge from the mainland in the City of Fort William across the Kaministiquia River to Island Number One or Island Number Two, at the option of the Company, and a joint railway and traffic bridge across the McKellar River, connecting Island Number One with Island Number Two, the traffic portion on each of the said bridges to be not less than twenty-nine feet wide, and suitable for vehicular and pedestrian traffic, and for a line of street railway, but not to include the rails, trolley wire and other material and appliances which may be required for a street railway line thereon, which are to be provided and maintained by the City. The said traffic portion of either of said bridges may be overhead or lateral, and if lateral may be altogether on one side or half on one side and half on the other side. Provided however, that if any portion of said bridges is injured or destroyed by any street car or vehicle or the like crossing on the traffic portion of the same the City will at once repair and restore such portion of the bridges so injured or destroyed. The City will maintain and keep in good order and repair the flooring of the traffic portions of the said bridges. The Company will also provide and construct, or cause to be provided and constructed, approaches to the said bridges from the streets or highways nearest thereto at the time of completion of the said bridges for such vehicular and pedestrian traffic, and for a street railway line; but the Company is not to grade any approach or street or lay or provide any street railway track or material thereon. On the completion of the said traffic portions of the said bridges and the approaches thereto the Company will give or cause to be given to the City the said approaches, not being part of the Company's railway or railway operated by the Company, and, where part of the Company's railway or railway operated by the Company, a crossing thereover, and the free use thereafter of the said traffic portions of the said bridges for the purpose of a public road and highway upon the said traffic portions of the said bridges and the said approaches thereto, so that the City may open up and establish a public road and highway upon the said traffic portions of the said bridges and the approaches thereto, but the street traffic, including street cars, on the bridges and the approaches thereto is to be junior and subsidiary to the traffic of the said railway and its trains. Provided if the approach from the street on the mainland to the said traffic portions of the bridge over the Kaministiquia River is on the level over the tracks of the railway, then the Company is to provide and maintain any crossing protection that may be ordered in respect to such crossing by the Board of Railway Commissioners for Canada. The Company is to allow the City one level crossing over the railway for a highway, including a line of street railway thereon, on each of said Islands Number One and Number Two, at a place to be agreed upon by the Company and the City, and in the event of a dispute as to the place, then at the place and on the terms to be fixed by the said Board, but the said railway and the business of the Company are to be senior to the public highway and the traffic thereon and to the street railway.

(b) The Company will for and during the period of exemption of fifteen years and one month from the 1st day of December, nineteen hundred and nine hereinafter mentioned, and while so exempt hereunder, pay to the City, in lieu of all amounts the Company would but for such exemption be obliged to pay for all rates, taxes and assessments hereinafter mentioned in respect of the property hereinafter exempted under paragraph 2 (a) hereof, for the month of December, nineteen hundred and nine, the sum

of Two thousand five hundred dollars, and thereafter for fifteen years the sum of thirty thousand dollars per annum payable on the 1st day of December in each year during such exemption, the first of such payments of thirty thousand dollars to be made on the 1st day of December, nineteen hundred and ten.

(c) The principal lake and railway terminals, works, workshops, elevators, freight shed, docks and coal handling plant constructed or to be constructed during the period of exemption of fifteen years and one month hereinafter mentioned for the Company's business at the head of Lake Superior shall, during the continuance of said exemption, be located and maintained at the City of Fort William and not elsewhere; but nothing herein contained shall prevent or be construed to prevent the Company from continuing the facilities which the Company now has at any other place or places or increasing or adding to the same for the purpose of carrying on the same class of business as is now carried on by the Company at such other place or places, and any increase thereof or that may be requisite for the purpose of any other business or industry that may be carried on or established by any other persons or concern outside the Company or any other Company exempted hereunder at such other place or places.

(d) The Company will during the continuance of the said exemption of fifteen years and one month continue to do at Fort William its engine and car repairs of the same class as at present done there, and will from time to time during the continuance of said exemption of fifteen years and one month increase as the Company may think necessary the capacity of its repair shops and other facilities for the handling of any increase in said class of repairs.

(e) Subject to the approval of the Board of Railway Commissioners for Canada, the Company will within three months after the ratification and confirmation aforesaid commence the construction of, and within a reasonable time thereafter complete a modern passenger station building at a location on the railway of the Company in the City of Fort William between Dease and Duncan Streets suitable and sufficient for the joint use of the Company and the Grand Trunk Pacific Railway Company.

(f) Within three years after the said ratification and confirmation the Company will erect or cause to be erected at Fort William a modern cleaning elevator.

(g) The Company will after said ratification and confirmation, and during the year nineteen hundred and nine, erect a freight shed at West Fort William for local freight traffic.

(h) In case a car manufactory or shop constructing the class of cars which the Company shall require for its western lines is established at Fort William, the Company will during the continuance of said exemption of fifteen years and one month purchase cars from the said manufactory or shop, provided it can do so economically, and that the price, quality and other conditions are as favourable or better than can be obtained elsewhere.

(i) The Company will within one year after the said ratification and confirmation, subject to the approval of the said Board of Railway Commissioners for Canada, construct a subway under the Company's tracks in the line of the production of Sprague Street, or between the productions of Sprague and Tarbut Streets, in accordance with plans to be agreed upon between the Company and the City, but if the Company and the City fail to agree, then according to plans approved by the Board of Railway Commissioners for Canada. And the Company will permit the City to open up and establish a public road and highway in line with and through the said subway connecting the street nearest thereto to the north with the land fronting on the Kaministiquia River in the next succeeding paragraph mentioned. And the Company shall thereafter have the right to construct, maintain and operate its railway and tracks, including any additional tracks which may hereafter be required, over such subway and road or highway so established.

(j) The Company will convey to the City a strip of land approximately

imately fifty feet in width and three hundred feet long fronting on the Kaministiquia River (with the 300 feet frontage on the river), at a location to be selected by the Company between the production southerly of the east limit of Sprague Street and a line drawn parallel therewith and nine hundred feet perpendicularly distant westerly therefrom.

(k) Subject to the approval of the said Board, the Company will, upon the City obtaining the said ratification and confirmation by the Legislature of Ontario, consent to a level crossing with a line of street railway thereon over the Company's tracks on the production of the line of Pacific Avenue across the same, the City to provide, install and maintain protection appliances of the same kind as now in use at the crossing of the Canadian Northern Railway by the electric street railway in the City of Port Arthur, or such other appliances as may be required by the said Board. In case the said Board shall not approve of the said level crossing with protection appliances, and the City shall desire to erect an overhead crossing in lieu of such level crossing, and shall obtain the approval of the Board therefor, the Company will at the request and at the expense of the City and on its behalf and under its authority construct the said overhead crossing upon plans to be agreed upon by the City and the Company, but if the City and the Company fail to agree, then according to plans approved by the said Board; and the City hereby agrees to pay to the Company upon the completion of the said work all cost which the Company may incur or be put to for or in connection therewith.

(l) The freight rates on all traffic originating at or destined to points on Island Number One or Island Number Two, reached by the Company's tracks, or the tracks of any other Company exempted hereunder, and which originates at or is destined to points on the Company's railway, or its connections outside of the City of Fort William, shall be the same as the freight rates on similar traffic to or from other parts of the Company's Fort William terminals within the City of Fort William, subject always to any order of the Board of Railway Commissioners for Canada.

(m) The Company will, during the continuance of the said exemption of fifteen years and one month continue as it is now doing to route its through lake and rail passenger traffic and continue to handle its through lake and rail freight traffic through the lake port of Fort William, as it is now doing, and not through another lake port at the head of Lake Superior.

(n) The Company will convey or cause to be conveyed to the City for the purpose of a public highway a strip of land sixty-six feet in perpendicular width north of the Company's tracks to be located on Island Number One, so as to connect the highway running north and south immediately west of Lot Five in Concession F, Township of Neebing Additional (said highway running north and south being hereinafter referred to as Fifth Avenue) with the highway running north and south immediately west of the tier of lots in Concession K on said Island.

(o) If by reason of a portion of Fifth Avenue becoming closed and stopped up hereunder as hereinafter provided, direct access, by means of the present intersection of Fifth Avenue with Arthur Street, from the portion of Fifth Avenue south of Arthur Street to the portion of Arthur Street east of Fifth Avenue shall cease to exist the Company will provide sufficient land south of its tracks to be located on Island Number One to enable the City to establish a highway sixty-six feet in width connecting said portion of Fifth Avenue south of Arthur Street with said portion of Arthur Street east of Fifth Avenue. And if by reason of a portion of Arthur Street becoming closed and stopped up hereunder as hereinafter provided, direct access, by means of the present intersection of Fifth Avenue with Arthur Street, from the portion of Arthur Street west of Fifth Avenue to the portion of Fifth Avenue north of Arthur Street shall cease to exist, the Company will provide sufficient

sufficient land north or northwest of its tracks to be located on Island Number One to enable the City to establish a highway sixty-six feet in width connecting said portion of Arthur Street west of Fifth Avenue with said portion of Fifth Avenue north of Arthur Street.

(p) The Company will convey to the City all and singular that certain parcel or tract of land fronting on the Kaministikwia River in the City of Fort William, more particularly described as follows:—Commencing at a point sixteen and five-tenths feet due east of the intersection of the north limit of Donald Street with the west limit of McVicar Street; thence due south one hundred and ninety and seven-tenths feet; thence south sixty-two degrees and fifty-eight minutes east one hundred and thirty-eight feet; thence north twenty-nine degrees nine minutes east forty-five feet to the place of beginning; thence from said place of beginning south twenty-nine degrees nine minutes west three hundred feet; thence south seventy-three degrees twenty-nine minutes east to the water's edge of the Kaministikwia River; thence Northerly along said water's edge to a point where the said water's edge intersects with a line passing through the said place of beginning, with a bearing south seventy-three degrees twenty-nine minutes east; thence north seventy-three degrees twenty-nine minutes west to the said place of beginning, together with all the Company's right, title and interest in and to the water lot or land covered with water adjoining and in front of said lands and between the productions southeasterly in a straight line of the northeasterly and southwesterly boundaries thereof; but reserving unto the Company, its successors and assigns in common with the rest of the public a right-of-way for all purposes over and upon the most westerly or northwesterly fourteen feet in width of said lands. Provided, however, and it is expressly understood and agreed that any dock built on the said land or land covered with water shall be used solely for the purpose of accommodating boats plying and doing business only in the vicinity of Fort William, and boats between Duluth and Fort William, and for local pleasure boats and for no other purposes, and the City will not, with the exception of accommodating boats plying between Duluth and Fort William permit the said dock to be used for any traffic purposes which would in any sense be in competition with the business or the traffic of the Company. And the Company will permit the City to open up and establish a public road and highway through and in line with the subway now existing under the Company's tracks at the foot of McVicar Street, so as to connect the lands hereinbefore in this paragraph particularly described with McVicar Street. The City shall have the right to lower the roadway in the said subway, the work thereof to be done under the supervision of and in a manner satisfactory to the Company's resident engineer at Fort William.

2. The City in consideration of the covenants and agreements on the part of the Company herein contained, covenants and agrees with the Company as follows:—

(a) The City will and does hereby for and during the period of fifteen years and one month from and after the 1st day of December, one thousand nine hundred and nine, exempt all the real and personal property of the Company and of any other Company owned or controlled by the Company in the City of Fort William and within any extended limits thereof, except (aa) the real property actually used and occupied by any other person or other corporation for the sole use and benefit of such other person or corporation by and with the consent and approval of the Company, while and during the period it is so used and occupied as aforesaid, and (bb) any vacant land held for sale for speculative purposes by the Company while the same is held for the purposes aforesaid, from all municipal rates, taxes and assessments and from all school rates, taxes and assessments.

(b) The City will and does hereby for all time hereafter until the City shall have duly released the Company from all obligation to

to maintain or to cause to be maintained the said bridges over the Kaministikwia and McKellar Rivers to be constructed hereunder exempt the said bridges, and any and every improvement thereon, addition thereto and substitution therefor, from all municipal rates, taxes and assessments, and from all school rates, taxes and assessments.

(c) The City will and doth hereby grant, transfer and convey unto the Company, its successors and assigns in fee simple free from all encumbrances all that strip of land fronting on the Kaministikwia River and immediately adjoining to the west the west limit of Tarbut Street, produced southerly in a straight line to the water's edge of the Kaministikwia River, described as follows:—Commencing at a point where the west limit of Tarbut Street produced southerly as aforesaid intersects with the water's edge of the Kaministikwia River at the mean water level of six hundred feet and fifty-four one-hundredths of a foot above the sea level; thence westerly and following the water's edge of the Kaministikwia River to a point distant two hundred and thirty-four feet in a straight line from the place of commencement; thence northerly and parallel with the said production southerly of the west limit of Tarbut Street thirty feet to a point; thence easterly in a straight line to a point in the said production southerly of the west limit of Tarbut Street distant north twenty feet from the place of beginning; thence south along the said production southerly to the west limit of Tarbut Street twenty feet to the place of beginning.

(d) The City will and doth hereby surrender and release unto the Company all right and claim it may have to the construction by the Company of a subway under the Company's railway at Tarbut Street and to a level crossing of the railway at Tarbut Street, as provided in a certain agreement made between the parties hereto and dated the 19th day of July, A. D. 1905.

(e) The City will duly stop and close up and doth hereby stop and close up all those portions of streets, avenues, lanes, highways and road allowances in the City of Fort William more particularly described as follows:—Firstly, all that portion of Tarbut Street in the City of Fort William, which lies between the production thereover of the south limit of Frederica Street and the Water's edge of the Kaministikwia River; secondly, all that portion of Arthur Street which lies to the east of the production across said street of the west limit of lot twelve, concession K, Township of Neebing Additional; thirdly, all that portion of the road allowance running north and south immediately west of the tier of lots in concession K on Island Number One, which lies between the productions easterly thereover of the north and south limits of lot one in concession F, Township of Neebing Additional; fourthly, all that portion of the road allowance on Island Number One and along the water's edge of McKellar River, Thunder Bay and Kaministikwia River, extending from the production southerly across said road allowance of the west limit of lot 10 in concession K, and running easterly and northerly along the south and east limits of lots ten, eleven, twelve, thirteen, fourteen and fifteen and the east and north limits of a portion of lot sixteen in concession K, to a line drawn across said road allowance parallel with and five hundred feet perpendicularly distant easterly from the production northerly of the west limit of said lot sixteen in concession K; fifthly, all that portion of McKellar or Hardisty Street in the City of Fort William which lies between the productions easterly thereover of the south limit of Ridgeway Street, and the north limit of Duncan Street; sixthly, all those portions of any and all roads or highways, including the highway known as the Mission Road, which lie within the area described as follows:—Commencing at the intersection of the east limit of Sprague Street produced with the

south



south limit of Frederica Street; thence southerly along the production southerly of the east limit of Sprague Street to the water's edge of the Kaministikwia River; thence along the water's edge of the Kaministikwia River down stream to the intersection of said water's edge with the production easterly of the south limit of Victor Street; thence westerly along the said production of the south limit of Victor Street to the intersection therewith of the westerly boundary of the property of the Company; thence south-westerly and westerly along the westerly and northerly boundaries of the Company's property, and the production thereof across any roads or highways running easterly or southerly therefrom to the place of beginning; seventhly, all those portions of the road allowances on Islands Number One and Number Two, along the water's edge of the Kaministikwia River and McKellar River, which shall lie between two lines on opposite sides of, parallel with, and each said line being fifty feet distant at right angles from the centre line of the railway to be constructed from the mainland in the City of Fort William across the Kaministikwia and McKellar Rivers upon the bridges hereinbefore mentioned to and upon Islands Number One and Number Two; eighthly, all those portions of Arthur Street and Fifth Avenue (including the crossing or intersection with each other of said street and avenue) which shall lie between two lines on opposite sides of, parallel with, and each said line being one hundred feet distant at right angles from the centre line of the railway to be constructed from the mainland in the City of Fort William across the Kaministikwia and McKellar Rivers upon the bridges hereinbefore mentioned to and upon Islands Number One and Number Two; ninthly, all those lanes lying within the triangular block of land bounded on the west by Syndicate Avenue, on the north by Ridgeway Street, and on the southeast by Block Number Six, according to plan registered in the registry office for the district of Thunder Bay as plan number one hundred and seventy-eight. Provided that as to those portions of the street, avenue and road allowances hereinbefore in this paragraph seventhly and eighthly described, the provision, covenant or agreement that the City doth hereby stop and close up the same, shall only take effect with respect to each of said portions as the said railway shall be laid out over such portion.

(f) The City will and doth hereby grant, transfer and convey unto the Company, its successors and assigns in fee simple, free from incumbrances all the said portions of streets, avenues, lanes, highways and road allowances, stopped and closed up or agreed to be stopped and closed up as particularly mentioned and described in the next preceding paragraph hereof, and the lands therein comprised. Provided that as to each of those portions of the street, avenue and road allowances in the next preceding paragraph seventhly and eighthly described, the grant, transfer and conveyance thereof aforesaid shall take effect only upon such portion becoming closed and stopped up as in the said next preceding paragraph mentioned.

(g) The City will without delay pass all such by-laws and take all such steps and proceedings as may be necessary or requisite to give effect to this agreement, and each and all of the covenants and agreements of the City herein contained, and will forthwith apply for and procure from the Legislature of Ontario at its next session ratification and confirmation of the covenants and agreements on the part of the City in this agreement contained, and until such ratification and confirmation and if not so ratified and confirmed at said next session, this agreement shall not be binding on the parties hereto.

(h) Each of the parties hereto will join in and consent to any application which the other of them may make to the Board of Railway Commissioners for Canada for the purpose of carrying out or giving effect to the terms and provisions of this agreement.

3. It is understood and agreed that the words "the Company" and the words "the City" shall wherever used herein, extend to, include and be binding upon, and be construed to extend to, include and be binding upon the successors and assigns of the Canadian Pacific Railway Company and of the Corporation of the City of Fort William, respectively.

In witness whereof the parties hereto have hereunto caused to be affixed their respective corporate seals and the hands of their proper officers to be set.

THE CORPORATION OF THE CITY OF FORT WILLIAM.  
per JAMES MURPHY,

Mayor.

A. McNAUGHTON,  
City Clerk.

THE CANADIAN PACIFIC RAILWAY COMPANY.

T. G. SHAUGHNESSY,  
President.

W. R. BAKER,  
Secretary.

(Corporate Seal  
of the Company  
and City).



## CHAPTER 107.

## An Act respecting the City of Hamilton.

*Assented to 13th April, 1909.*

**W**HEREAS the Corporation of the City of Hamilton Preamble.  
has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas the said City Corporation has asked for authority to issue debentures for an amount not exceeding \$237,000 to cover the cost of certain works and improvements of a necessary and permanent nature constructed during the years 1907 and 1908, the cost thereof being capital expenditure, and for the payment of moneys advanced to the City Corporation to make up the loss on the sale below par of certain debentures issued by the City Corporation during the said years 1907 and 1908, and also for the amount required to pay the City's share of the cost of construction of, and improvements to permanent pavements on James Street between Herkimer and Barton Streets, on Barton Street between James Street and Sherman Avenue and on Herkimer Street between James Street and Queen Street, which construction and improvements will be rendered necessary by the reconstruction of the tracks of the Hamilton Street Railway Company on the said portions of James, Barton and Herkimer Streets; and whereas the said Corporation represents that it is desirable to open certain tracts of land within its limits for industrial, commercial and other purposes, by constructing railway spur lines with sidings and switches within the limits of the said City; and whereas the value of the whole rateable property of the said City, according to the last revised assessment rolls, is \$39,836,285 and the existing debenture debt of the said City exclusive of the local improvement debt is \$4,491,284.51, of which no part of the principal or interest is in arrear; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to borrow \$244,351.38 to cover certain works and improvements.

1. The Council of the Corporation of the City of Hamilton may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-laws as may be necessary to authorize a special issue of debentures to an amount not exceeding \$115,714.13 to cover the cost of certain works and improvements of a necessary and permanent nature constructed during the years 1907 and 1908, the cost thereof being capital expenditure, and for the payment of moneys advanced to the City Corporation to make up the loss on the sale below par of certain debentures issued by the City Corporation during the said years 1907 and 1908 referred to in the preamble to this Act, the particulars whereof are set forth in Schedule "A" hereinafter contained, and also to authorize a special issue of debentures to an amount not exceeding \$128,637.25 to pay the City's share of the cost of construction of, and improvements to permanent pavements on James Street between Herkimer and Barton Streets, on Barton Street between James Street and Sherman Avenue and on Herkimer Street between James Street and Queen Street, also referred to in the preamble of this Act, the particulars whereof are set forth in Schedule "B" hereinafter contained, and for such purposes to issue debentures of the said Corporation in sums of not less than \$100 each, the principal to be payable at the expiration of twenty years from the time such debentures are issued, and the interest to be payable half yearly during the currency of such debentures at a rate not exceeding four per cent. per annum, and to raise and levy annually by special rate on all the rateable property in the said municipality such sum or sums as may be necessary for payment of the said debts and interest.

Construction of railway spur lines.

2. It shall be lawful for the Corporation of the City of Hamilton, upon obtaining the assent of the electors, to the issue of debentures, in accordance with the provisions of *The Consolidated Municipal Act, 1903*, respecting money by-laws, to provide the cost necessary to construct, complete, equip, maintain and operate railway spur lines for manufacturing industries for freight purposes only, with siding and switches, within the limits of the said City of Hamilton, and to enter into agreement with any railway company or companies for the construction, operation or use of the said spur lines, sidings or switches, and with the consent of the said railway companies or any of them to unite or join with its railway or railways, and to enter into agreement with the owners or occupants of lands adjoining or adjacent to the said spur lines, sidings, or switches for the use thereof, upon terms to be agreed upon, or in case of disagreement, to be determined by the Ontario Railway and Municipal Board.

3. For the purposes aforesaid the Corporation of the City of Hamilton shall have the powers conferred on railway companies by *The Ontario Railway Act, 1906*, and the provisions of said Act shall apply to said railway.

Application of 6  
Edw. VII. c. 30.

4.—(1) The council of the said city may by by-law, to be passed by a vote of three-fourths of the whole council, provide for a "Board of Cemetery Management" to be constituted in such manner, and with such powers and duties as the said council may by said by-law declare, and such by-law shall continue in force until repealed, altered or amended by any by-law or by-laws which may from time to time be passed by a vote of three-fourths of the whole of such council.

Board of  
Cemetery  
management.

(2) All funds formed by the Board of Cemetery Management may be invested subject to the approval of the council, in such securities as may from time to time be authorized by *The Municipal Act*, for the investment of surplus moneys raised on special rates, or in such manner as may be approved by "The Ontario Railway and Municipal Board."

Investment  
of funds.

#### SCHEDULE "A."

The following are the particulars referred to in section 1 of the foregoing Act:—

##### EXPENDITURE ON CAPITAL ACCOUNT, 1907.

Asphalt pavement improvements .....	\$27,697 65
Over-expenditure for permanent roadways authorized by By-law No. 272 .....	1,833 81
Last instalment of purchase money due on "Bull quarry" .....	1,000 00
Construction and improvements of new city yard .....	8,828 86
Purchase of real estate for city hospital..	2,800 00
Equipping and building police patrol sta- tion, Mary Street .....	4,722 42
Instalment of purchase money due on city wharf .....	1,000 00
Instalment of purchase money due on smallpox hospital site .....	324 00
Loss on sale below par of debentures issued pursuant to the following by-laws:—	
By-law No. 624—\$30,000 for fire station...	2,907 00
By-law No. 646—\$62,000 for waterworks extensions .....	5,313 40
By-law No. 651—\$135,000 for improve- ments, etc. ....	11,569 50
By-law No. 686—\$6,500 for waterworks extensions .....	105 30
	<hr/>
	\$68,101 94
	EXPENDITURE

## EXPENDITURE ON CAPITAL ACCOUNT, 1908.

Garth St., roadway and cement walk, in connection with S. W. Park .....	\$6,237 94	
Construction of cement walk on Sherman Ave., pursuant to order of The Ontario Railway and Municipal Board .....	1,410 19	
Construction of cement walk on Concession street, pursuant to order of Ontario Railway and Municipal Board .....	1,525 09	
Jolley cut road and walk .....	4,185 77	
Wentworth Street steps .....	1,165 16	
Asphalt pavement improvements .....	14,933 83	
Harbour and revetment wall .....	8,850 59	
Improvements to the mountain drain in Township of Barton .....	1,973 33	
		40,281 90
		<hr/> \$108,383 84
City's share of cost of sewers over 12 inches in diameter .....	\$1,567 16	
Construction of Cathcart Street overflow basin .....	1,112 33	
Purchase of James Street catch-basin land.	100 00	
Widening Picton Street .....	497 51	
Instalment of purchase money due on city wharf .....	1,000 00	
Last instalment of purchase money due on smallpox hospital site .....	312 00	
Loss on sale below par of debentures issued under By-law No. 784—\$90,000.00 for waterworks extensions .....	2,741 29	
		7,330 29
		<hr/> \$115,714 13

## SCHEDULE "B."

The following are the particulars referred to in section 1 of the foregoing Act: Shewing cost of construction of, and improvements to permanent pavements:

Barton Street, James Street to Sherman Avenue...	\$55,569 75
James Street, Hunter to Herkimer Street .....	10,000 00
James Street, Herkimer St. to incline railway.....	8,925 00
Herkimer Street, James to Queen St. ....	18,142 50
To put improved pavement on James Street between rails, Hunter to Barton St. ....	12,000 00
Barton Street, James St. to Sherman Ave., additional for brick .....	24,000 00
	<hr/> \$128 637 25

## CHAPTER 108.

## An Act respecting the Town of Kenora.

*Assented to 13th April, 1909.*

**W**HEREAS the Municipal Corporation of the Town Preamble.  
of Kenora (herein called the Town) have, by their  
petition, represented as follows:—

(a) That after the passing of the Act, 8 Edward VII., Chapter 87, the Town did, by deed dated first June, 1908, made between the Town of the first part and The Trusts and Guarantee Company, Limited, (herein called the Company) of the second part, provide that the debentures issued and to be issued under By-law Number 420 of the Town should, subject to any prior rights of the holders of the debentures issued under By-laws Numbers 388 and 396, have the benefit of the security created by the mortgage deed dated 5th June, 1907, made between the Town and the Company as trustee for the debenture holders under said By-laws Numbers 388 and 396, provided, however, that no debenture issued under said By-law Number 420 should be entitled to the benefit of the security by such deed created until the Company should so certify thereon and that none of the debentures issued under the said By-law Number 420 have been so certified;

(b) That the said Town on twenty-eighth December, 1908, passed By-law Number 441 increasing the rate of interest from five per cent. to five and one-half per cent. on the debentures authorized by such By-laws Numbers 388 and 396 and that such By-law Number 441 had been approved by the Ontario Railway and Municipal Board on sixth January, 1909.

(c) That the Town by indenture dated eighth February, 1909, made between the Town and the said Company revoked and declared null and void the provisions contained in the said deed of first June, 1908, and directed and required the Company to reconvey and release to the Town all the property assigned to the Company by such deed free from the charge thereby intended to be created  
by

by way of security for the debentures issued or to be issued under said By-law Number 420, which the said Company have done by the said deed, and the said Town did thereupon declare that all the mortgaged premises comprised in the indenture of fifth June, 1907, should thenceforth be a security for and charged with the payment of the debentures issued or to be issued under the said By-laws Numbers 388 and 396 as amended by By-law Number 441 and of the increased interest thereon; and whereas the whole rateable property of the said town according to the last revised assessment roll is \$2,385,429, and the debenture debt, including the debentures authorized by By-laws Numbers 388, 396 and 420, is \$652,956; and whereas the said town has petitioned for an Act confirming the said By-law Number 441 and the debentures issued or to be issued in pursuance thereof and confirming the said last mentioned deed of eighth February, 1909, and it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law 441 of  
town of Kenora  
confirmed.

1. By-law Number 441 of the Corporation of the Town of Kenora and all debentures issued or to be issued under By-laws Numbers 388 and 396 of the said Town as amended thereby and all assessments made or to be made in pursuance thereof are hereby confirmed and declared to be legal, valid and binding.

Mortgage of  
5th June, 1907,  
declared to  
comply with 7  
Edw. VII., c.  
71, s. 2.

2.—(1) The mortgage deed dated fifth June, 1907, from the Corporation of the Town of Kenora to The Trusts and Guarantee Company, Limited, securing the debentures authorized by said By-laws Numbers 388 and 396 of the said Town is hereby declared to be in compliance with the provisions of section 2 of the Act passed in the 7th year of His Majesty's reign, Chaptered 71, and it is further declared that the said deed and the said deed dated eighth February, 1909, are a good and valid security for the debentures issued or to be issued to the amount of \$300,000 under said By-laws as amended by By-law Number 441 and bearing interest at the rate of five and one-half per cent. per annum.

(2) The mortgage or a notarial copy thereof shall be filed in the office of the Provincial Secretary, and notice thereof published in the *Ontario Gazette*.

3. Nothing herein contained shall affect any right or title of the Governor and Company of Adventurers of England trading into Hudson's Bay or of the Keewatin Power Company, Limited.

\*  
CHAPTER 109.

An Act to validate and confirm a certain By-law of  
the Municipal Corporation of the City  
of Kingston.

*Assented to 13th April, 1909.*

**W**HEREAS the Corporation of the City of Kingston Preamble.  
has by its petition represented that for good causes  
and considerations and with the intention of petitioning  
for an Act to legalize, confirm and declare valid the same,  
it did on the fifth day of February, 1909, pass a by-law  
intituled "A By-law to close up and authorize the sale  
and conveyance of a part of Earl Street and the land covered  
with water at the foot of Earl Street in the City of  
Kingston" and being By-law No. 11 (1909), which is set  
out in the Schedule to this Act, and have prayed that an  
Act may be passed legalizing, confirming and declaring  
valid the said By-law; and whereas the purchasers are the  
sole owners of all the land adjoining on each side of the  
part of the said street to be closed and sold as aforesaid;  
and whereas the passing of said by-law is declared to be  
in the general interest of the said City; and whereas it is  
expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of  
Ontario, enacts as follows:

1. By-law No. 11 (1909), of the Municipal Corporation By-Law No. 11 confirmed.  
of the City of Kingston and forming Schedule "A" to this  
Act is hereby validated and confirmed and the said part  
of Earl Street and the land and land covered with water  
in the said City of Kingston as described in said by-law  
are hereby declared to be closed up and divested, freed and  
exonerated from the public uses and purposes with which  
the same are now charged or subject as part of a public  
street or otherwise and are hereby vested in the Corpora-  
tion of the City of Kingston as its property for the pur-  
poses of the said By-law.

Land vested in  
Locomotive  
Co.

2. From and after the passing of this Act the said part of Earl Street and the land and land covered with water in the said City of Kingston as described in the said By-law shall be granted to and vested in The Canadian Locomotive Company, Limited, their successors and assigns, in fee simple.

#### SCHEDULE "A."

##### BY-LAW No. 11, 1909.

A By-law to close up and authorize the sale and conveyance of a part of Earl Street and the land covered with water, at the foot of Earl Street, in the City of Kingston.

Passed 5th February, 1909.

Whereas the Corporation of the City of Kingston, by by-law dated the 14th November, 1881, and legalized, confirmed and declared valid by an Act of the Legislative Assembly of the Province, passed the 10th day of March, 1882, and being Chapter 37 of 45 Victoria, did close up that part of Earl Street in the City of Kingston lying east of Ontario Street and west of the Grand Trunk branch railway track, and lease the same to the Canadian Locomotive and Engine Company, Limited, their successors and assigns, for the term of ninety-nine years, as therein provided;

And whereas the Canadian Locomotive Company, Limited, are the assignees of said term and successors in business of the aforesaid Company;

And whereas the said lessees and their successors and assigns have been in continuous possession of the said parcel of land since said date, and are now the sole owners of all the land adjoining on each side of the part of said street closed and leased as aforesaid;

And whereas the land and land covered with water, lying east of the said part of said street so closed and leased, and being the land and land covered with water comprised within the prolongation of said Earl Street into the harbour of the City of Kingston, are owned by the City of Kingston;

And whereas the said The Canadian Locomotive Company, Limited, are desirous of erecting an expensive permanent building on said lands, being all the land and land covered with water lying east of the east limit of Ontario Street, and comprised within the prolongation of Earl Street easterly into the harbour of the City of Kingston for a distance of five hundred and sixty-six feet, and have petitioned this Corporation for the permanent closing of the same as a street, and the conveyance thereof to them in fee simple in consideration of the payment of \$3,500;

And whereas it is deemed to be in the general interest of the City to grant the prayer of said petition, and to ask the Legislature of Ontario by an Act to confirm this by-law and declare the same valid;

Therefore be it enacted by the Corporation of the City of Kingston:—

1. That the part of Earl Street and the land and land covered with water in the City of Kingston, lying east of the east limit of Ontario Street, and comprised within the prolongation of Earl Street easterly for a distance of five hundred and sixty-six feet are hereby closed up and divested, freed and exonerated from the public uses and purposes with which the same are now charged or subject as part of a public street or otherwise, and the said lands are hereby vested in the Corporation of the City of Kingston as its property for the purposes of this by-law.



2. That upon its confirmation by the Legislature of Ontario this by-law shall take effect and thereupon the said part of Earl Street lying east of the east limit of Ontario Street, and the land and land covered with water and comprised within the prolongation of Earl Street easterly from the east limit of Ontario Street for a distance of five hundred and sixty-six feet shall be granted to and vested in the Canadian Locomotive Company, Limited, their successors and assigns, in fee simple.

3. That the Corporation of the City of Kingston shall on or before the 1st day of July, 1910, discontinue, close up and divert the city drain at present running from Ontario Street into the said lands herein agreed to be sold and granted to the said Company as aforesaid, who after said date shall hold and enjoy said parcel of land freed and discharged from any easement in respect of said drain.

(Signed) D. COUPER, (L.S.)  
Mayor.

(Signed) W. W. SANDS,  
City Clerk.

## CHAPTER 110.

## An Act respecting the City of London.

*Assented to 13th April, 1909.*

Preamble.

WHEREAS the Corporation of the City of London has by petition represented that the Council of the said Corporation, on the twenty-first day of December, A.D. 1908, passed certain By-laws numbered 3327, 3328 and 3329 to levy the cost of the construction of certain local improvements, and for the issue of debentures therefor; that the said Council did on the said twenty-first day of December, A.D. 1908, pass a By-law numbered 3330 to consolidate the several issues of debentures mentioned in the said first mentioned By-laws; that the said Council did on the first day of February, A.D. 1909, pass a By-law numbered 3340 to provide for the issue of \$5,000 debentures for the purpose of providing a hospital for consumptives after it had received the assent of the electors, as required by *The Consolidated Municipal Act, 1903*; that the said Council did on the fifteenth day of February, A.D. 1909, pass a By-law numbered 3342 respecting The Globe Casket Company, whereby the assessment of the said Company was fixed; and whereas the said Corporation has further represented that the said By-laws numbered 3327, 3328, 3329 and 3330 should be confirmed in order that the debentures issued thereunder may be more readily and profitably disposed of, and that the said By-law numbered 3340 should be confirmed, and that the Globe Casket Company should be exempt from taxation as hereinafter provided; and whereas the said Corporation has further represented that it is expedient that the power to construct, manage and control the Electric Light Plant and machinery of the City should be conferred upon "The Water Commissioners for the City of London" upon a By-law of the City of London so providing being passed, and that the number of Commissioners should be increased, and *The London Waterworks Act, 1873*, and amending Acts amended accordingly; and whereas the said Corporation has further represented that it is desirable that the said Council be authorized and permitted to pay over the proceeds of the sale of the debentures to be issued under said By-law

By-law numbered 3340 to *The London Health Association* instead of applying them as provided for by said By-law; and whereas the said Corporation has further represented that the whole of the proceeds of the \$75,000 debentures authorized to be issued by section 4 of *The City of London Act, 1907*, will not be required to pay for the purchase and acquisition of the lands, and the erection of the Isolation Hospital therein referred to, and that it was intended that the proceeds not required for the purposes aforesaid should be applied in or towards the payment for the laundry and the morgue erected upon the Victoria Hospital grounds in the said city, and that the said Corporation wishes to apply the surplus in or towards the payment for the said laundry and morgue, which were erected during the year 1908, and has requested that authority be given to issue \$5,000 debentures for the purpose of paying for the completion of the erection and for the equipment of the laundry at Victoria Hospital and of making necessary alterations in the contagious ward of the said hospital, without submitting the same to or receiving the assent of the electors; and whereas the said Corporation has further represented that it is expedient that the annual Municipal Elections in the said City of London should be held on New Year's Day, and that provision for elections on said day should be made; and whereas the said Corporation has further represented that it is expedient that the Council of the said Corporation should be authorized and permitted to renew the exemption of The London Rolling Mills Company in the said City until the end of the year 1911 by a vote of two-thirds of all the members of the Council; and whereas the said Corporation has further represented that it is expedient that section 193 of *The Ontario Railway Act, 1906*, and section 34 of By-law No. 916 of the City of London, respecting The London Street Railway Company, which By-law was validated by an Act of the Legislature of the Province of Ontario passed in the 59th year of Her late Majesty's reign, should be so amended as to provide that the Council of the said Corporation may pass a By-law to permit, and may permit the London Street Railway Company to run their cars on Sunday, under and subject to such terms, conditions, stipulations, regulations, obligations, provisoes and things as may be contained in the said By-law, and also under and subject to such terms, conditions, stipulations, regulations, obligations, provisoes and things as may be contained in an agreement to be first made and entered into by the said The London Street Railway Company with the said Corporation before the said Company shall be entitled to run any car on any Sunday; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain by-laws confirmed.

1. The By-laws of the Corporation of the City of London specified in Schedule "A" hereto, and all debentures issued or to be issued thereunder, and all assessments made, or to be made for the payment thereof, are confirmed and declared to be legal, valid and binding.

Exemption from taxation of property of Globe Casket Co.

2.—(1) The amount of assessment on all lands, buildings, machinery plant and other real and personal property in the said City of London, of Robert Watson, F. W. Coles and John Ferguson, all of the said City of London, manufacturers, carrying on business in the said City of London, under the name and firm of The Globe Casket Company, used by them in the business now carried on by them in the name of The Globe Casket Company, and all the personal property which may hereafter be used by them, their heirs, executors, administrators or assigns in the said business in the said City of London, and such other real estate, not exceeding fifteen thousand superficial square feet, as may be *bona fide* acquired by them for the purposes only of their said business and used by them in connection with their said business, shall for a period of fifteen years from the first day of January, A.D., 1909, be exempt from taxation (including taxes on business assessment) except for taxation for school purposes and for local improvements.

Proviso.

(2) Provided, however, that in case the said Robert Watson, F. W. Coles and John Ferguson, their heirs, executors, administrators or assigns, shall fail, in any year during the said period of fifteen years to have actually employed and engaged in the said business in the said City of London, not less than seventy-five employees, who shall reside in the said City of London, and who shall be continuously employed during at least ten months of each year in the said business in the said City of London, then the exemption so fixed as aforesaid, shall, immediately cease and be at an end, and the said lands, buildings, machinery, plant and other real and personal property aforesaid, shall thereafter be assessed in the usual manner and as if this Act had not been passed.

Waterworks Commissioners to have control over electric light and power system.

3. The Council of the Corporation of the City of London may, by By-law, provide and direct that The Water Commissioners for the City of London shall have the whole management and control of, and supervision over, the construction, maintenance and operation of the Electric Light Plant and machinery of the said Corporation for the distribution of electric light and power in the said City, and from and after the passing of the said By-law, The Water Commissioners for the City of London shall have the whole

whole management and control of, and supervision over, the said Electric Light plant and machinery, and all buildings and appliances therewith connected or necessary thereto, and shall with respect to the said Electric Light plant, machinery, buildings and appliances have the like power and immunities and be subject to the like duties as are by sections four, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, seventeen, twenty, thirty-one, thirty-two, and forty-eight of *The London Waterworks Act, 1873*, conferred upon them with respect to the London Waterworks.

4. At the next annual election of the Water Commissioners for the City of London held after the passing of the said By-law, and thereafter, two Commissioners shall except as hereinafter provided, be elected annually, instead of one Commissioner as provided for by section 44 of *The London Waterworks Act, 1873*, as enacted by section 10 of an Act respecting the City of London, passed in the 3rd year of His Majesty's reign, and shall continue in office for two years, and said section 44 of said Act shall, after the passing of said By-law, be amended accordingly, but at the first election of Commissioners next after the passing of the said by-law, three Commissioners shall be elected instead of two and one of them (such one to be determined by lot at the first meeting of the Commissioners after their election, which determination shall be entered upon the minutes) shall retire from office at the end of one year.

Election of  
Commissioners.

5. The Corporation of the City of London shall pay over to the London Health Association the proceeds of the sale of the debentures authorized to be issued by the said By-law of the City of London, numbered 3340, instead of applying the same as provided for by the said By-law.

Application of  
moneys bor-  
rowed under  
By-law 3340.

6. The Corporation of the City of London shall be entitled out of the proceeds of the \$75,000 debentures, authorized by section 4 of *The City of London Act, 1907*, to be issued, to apply the balance thereof, which shall not be required to pay for the purchase and acquisition of the lands and the erection of the Isolation Hospital in the said section of the said Act referred to, in or towards the cost of the erection of the laundry and morgue which were, during the year 1908, erected upon the Victoria Hospital grounds in the said City.

Application of  
balance of  
debentures  
authorized by  
7 Edw. VII.,  
c. 73, s. 4.

7. The Council of the Corporation of the City of London may by a two-thirds vote of all the members thereof pass a By-law to renew and may renew the exemption of the London Rolling Mills Company in the said City of London until the end of the year 1911.

Power to  
renew exemp-  
tion of London  
Rolling Mills  
Co.

Power to  
borrow \$5,000  
for Victoria  
Hospital.

8. Notwithstanding the provisions of any Act or law, the Corporation of the City of London may pass a by-law to borrow and may borrow the sum of \$5,000, and may issue debentures therefor, for any period not exceeding thirty years from the date of the issue thereof and at such rate of interest, not exceeding five per cent. per annum, as the council of the said Corporation may determine, for the purpose of paying for the completion of the erection and for the equipment of the laundry at Victoria Hospital and of making necessary alterations in the contagious ward of the said hospital.

Assent of  
electors not  
required.

9. It shall not be necessary that the by-law for the purposes mentioned in the next preceding section shall be submitted to or receive the assent of the electors of the said city but all the other provisions of *The Consolidated Municipal Act, 1903*, which are applicable and which are not inconsistent with the provisions of this Act shall apply to said by-law.

Irregularity in  
form not to  
invalidate.

10. No-irregularity in the form of the debentures issued under the authority of this Act, or of any By-law authorizing the issue thereof, shall render the same invalid or be allowed as a defence to any action against the Corporation of the City of London for the recovery of the amount thereof, or interest thereon, or any part thereof.

Operation of  
Sunday cars.

11. Before The London Street Railway Company shall be entitled to run any car on any Sunday, under the provisions of *The Ontario Railway Act, 1906*, or any Act amending the same, or any other Act, permission by by-law of the council of the Corporation of the City of London shall be first obtained and such by-law may contain such terms, conditions, stipulations, regulations, obligations, provisoes and things as the said Council shall deem expedient and an agreement satisfactory to the said Council shall be entered into between the said Corporation and the said Company, which shall contain such terms, conditions, stipulations, regulations, obligations, provisoes and things as the said Council shall deem expedient, and the said Council shall have authority to pass such by-law and the said Corporation and the said Company shall have authority to enter into such agreement.

Date of  
municipal  
elections.

12. The meeting of electors for the nomination of the candidates for the offices of mayor and alderman, water commissioners, members of the Board of Education and hospital trustees in the said City of London, shall be held on the 22nd day of December in each year, unless that day should be a Sunday and then on the following day, and the election if any for said offices shall be held on the first day of January following, unless that day should be a Sunday and then on the following day.

Short title.

13. This Act may be known and cited as *The City of London Act, 1909*.

SCHEDULE

## SCHEULE "A."

List of By-laws providing for the issue of debentures by the Council of the City of London passed on the Twenty-first day of December, A. D. 1908, and of By-law No. 3340 passed on the First day of February, A. D. 1909.

No. of By-law.	Nature of work under By-law.	Amount of debt created.	Amount to be borne by City.	Amount by ratepayers.	Time.	Rate.
3327	Local improvement debentures to defray the cost of certain pavements constructed in the year 1908.....	\$ 60,607 43	\$ 14,100 00	\$ 46,507 43	10 years.	4½%
3328	Local improvement debentures to defray the cost of certain cement sidewalks, kerbs and gutters constructed in the year 1908.....	27,403 30	16,214 37	11,188 93	10 years.	4½%
3329	Local improvement debentures to defray the cost of certain tile sewers constructed in the year 1908.....	50,072 81	10,699 76	39,373 05	10 years.	4½%
3330	To consolidate the several issues of debentures referred to in By-laws Numbers 3327, 3328 and 3329, and to provide for raising by debentures the city's share of the cost of the improvements in the said By-laws mentioned which is to be raised by special rate .....	138,083 54	41,014 13	97,069 41	10 years.	4½%
3340	To provide for the issue of \$5,000 debentures for the purpose of providing a Hospital for Consumptives.....	5,000 00	5,000 00	None.	30 years.	4%

## CHAPTER 111.

## An Act respecting the County of Middlesex.

*Assented to 13th April, 1909.*

Preamble.

**W**HEREAS the Corporation of the County of Middlesex has by petition set forth that the total debenture indebtedness of the said county is the sum of \$486,260, being part of the debentures authorized by the Act passed in the 53rd year of Her late Majesty's reign, Chaptered 90, and that a sinking fund of \$137,473.64 has been levied and collected for the retirement of the said debentures and has been invested in the debentures of the said corporation; that the debentures issued under the said Act are now beginning to mature and owing to the large sums of money expended by the said corporation in connection with bridges, road improvements, repairs to public buildings and other necessary improvements of a permanent nature, it would be unduly oppressive on the ratepayers to pay off the said debentures in addition to meeting the current annual expenses of the municipality; and whereas the said corporation has by its petition prayed that an Act may be passed to authorize the issue of new debentures to discharge debentures issued under the said Act; and whereas subject to the provisions hereinafter contained it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to  
borrow  
\$348,786.36.

1. The Corporation of the County of Middlesex may raise by way of loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate in this Province or in Great Britain or elsewhere a sum of money not exceeding \$348,786.36 exclusive of interest.

2.



2. The said Corporation from time to time in such manner as the council thereof shall by by-law direct may cause to be issued debentures of the said county with coupons attached for the payment of interest thereon under its corporate seal signed by the Warden and countersigned by the Treasurer thereof, in such sums not exceeding in the whole \$348,786.36 exclusive of interest and payable at such periods as the council thereof shall direct, but not exceeding twenty years from the respective dates of issue thereof, and the principal sum secured by such debentures and the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere as the said council shall direct or deem expedient.

Form, term and manner of payment of debentures.

3. The proceeds of the sale of the said debentures which may from time to time as decided by the council of the said Corporation be issued under this Act shall be applied by the said Corporation in payment of the now outstanding debentures representing the hereinbefore mentioned indebtedness and for no other purpose whatever, and the Treasurer of the said county on receiving instructions so to do from the said council may, with the consent of the holders of the said outstanding debentures, call in such outstanding debentures and discharge the same with the funds raised under this Act and may substitute therefor debentures issued under this Act, as may be agreed between the holders of such outstanding debentures and the said Corporation.

Application of proceeds of debentures.

4. Any by-law passed under this Act authorizing the issue of said new debentures, or any part thereof, shall not be repealed until the debt created thereby and interest thereon shall be paid and satisfied.

By-law not to be repealed until debt satisfied.

5. It shall not be deemed necessary to obtain the assent of the electors of the said County of Middlesex to the passing of any by-law under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*.

Assent of electors not required.

6. The Townships of Biddulph and McGillivray, the Village of Lucan, originally part of the Township of Biddulph, and that part of the Village of Ailsa Craig, which formerly formed part of the Township of McGillivray, formerly belonging to and detached from the County of Huron and annexed to the County of Middlesex by chapter 28 of the Acts of the late Province of Canada, passed in the 25th year of Her late Majesty's reign, shall be exempt from any and all charge or liability for the payment of the debentures issued under this Act or the interest thereon, or any portion of either thereof, or which may hereafter be issued in renewal or substitution therefor.

Townships of Biddulph, McGillivray, etc., not to be liable for payment of debentures.

Application of  
3 Edw. VII.,  
c. 19.

Irregularity in  
form not to  
invalidate.

7. Any provisions in *The Consolidated Municipal Act, 1903*, and any amendments thereof which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said Corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act or any by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the Corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or by-laws or issue of debentures, or as to the application of the proceeds thereof.

Special rate.

8. The said Corporation shall levy in each year on all the rateable property in the said county a special rate over and above and in addition to all other rates to be levied which shall be sufficient to pay the interest on such debentures and to form a sinking fund to pay off the said debentures at maturity.

47 V. c. 52, not  
to be affected.

9. Nothing in this Act contained shall be taken or held to vary or repeal the whole or any part of the Act of the Legislature of Ontario, intituled *An Act respecting the Debt of the County of Middlesex*, passed in the 47th year of Her late Majesty's reign and Chaptered 52.

## CHAPTER 112.

## An Act respecting the Town of Midland.

*Assented to 13th April, 1909.*

**W**HEREAS the Corporation of the Town of Midland Preamble. has by petition represented that By-law Number 655 of the said Corporation was duly passed for the purpose of confirming the agreement with The Canada Iron Furnace Company set out in full in the Schedule to the said By-law, and that the said By-law was confirmed by the Act passed in the 8th year of His Majesty's reign, Chaptered 94; and whereas the said Canada Iron Furnace Company, Limited, have been unable to complete all the work provided for by the said agreement within the time therein specified, and have applied to the Corporation for an extension of the said time, and the Corporation has agreed to grant an extension of two years within which to complete the work provided for by the said agreement set out in the Schedule to the said By-law Number 655, upon the terms and subject to the conditions set out in an agreement with the said Company, which is set out in full in the Schedule to By-law Number 708, and it is desired to confirm the said By-law and agreement; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law Number 708 of the Corporation of the Town of Midland, set out in Schedule "A" hereto, and the agreement set out in the schedule to the said By-law, are hereby confirmed, validated and declared to be legal, valid and binding on the said Corporation and on the ratepayers thereof, and on the said Company. By-law No. 708 confirmed.

2. Notwithstanding anything contained in the said By-law Number 708 or in the said agreement, the property of the said Company shall, for school purposes, be assessed and taxed as though the said by-law had not been passed. Taxation for school purposes.

SCHEDULE

## SCHEDULE "A."

## BY-LAW No. 708.

A By-law to authorize an Agreement for an extension of time for the completion of the second furnace of The Canada Iron Corporation, Limited.

Whereas By-law No. 655 of the Corporation of the Town of Midland provides for the establishment of a second iron furnace by The Canada Iron Corporation, Limited, in the Town of Midland, as provided for by the said by-law and the agreement shown in the Schedule thereto;

And whereas the said Company will be unable to complete the erection of the said furnace within the time provided for in the said agreement, and have applied for an extension of two years in which to complete the erection of the said furnace, and it is expedient to grant the said extension;

Therefore the Municipal Council of the Town of Midland enacts as follows:

1. It shall be lawful for the Corporation of the Town of Midland to enter into the agreement with The Canada Iron Corporation set out in full in Schedule "A" to this by-law, and the mayor and the clerk of the said Corporation are hereby authorized to affix the corporate seal to the said agreement, and to attach their signatures thereto.

2. This by-law shall not come into force or be of any effect whatsoever, until the same shall have been approved of and declared valid and binding upon the said municipality by an Act of the Legislature of the Province of Ontario, and the said by-law shall come into force and take effect from and after the day upon which any such Act is passed.

By-law read a first, second and third time and passed at a meeting of the Municipal Council of the Town of Midland, this 24th day of February, A.D. 1909.

E. LETHERBY,

Mayor.

THOS. I. TRUEMAN,

Clerk. (Seal).

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*Schedule A to By-law.*

Memorandum of Agreement made in duplicate, the 24th day of February, A.D. 1909, between The Canada Iron Corporation, Limited, a Corporation having its Head Office at the City of Montreal, in the Province of Quebec, (hereinafter called the "Company"), of the first part, and The Corporation of the Town of Midland, (hereinafter called the "Corporation"), of the second part.

Whereas by an agreement dated the thirteenth day of May, A.D. 1907, entered into between the Canada Iron Furnace Company, Limited, and the Corporation, which said agreement was confirmed by Act of Parliament, Edward VII, Chapter 94; the said Canada Iron Furnace Company, Limited, agreed to erect a second furnace and certain other works in the Town of Midland, as more particularly set out in the said agreement;

And whereas the Canada Iron Furnace Company, Limited, have been succeeded and merged into the above Company, and have applied to the Corporation for an extension of two years' time, in which to complete the erection of the said furnace;

And whereas the Corporation have agreed to the said extension of time upon the terms and subject to the agreements hereinafter more particularly set out;

Now

Now therefore this Indenture witnesseth that in consideration of the premises and of the mutual covenants and agreements hereinafter contained, the parties hereto covenant, promise and agree, each with the other, in manner following, that is to say:

1. The Corporation agree with the Company to extend the time within which the said iron smelting furnace shall be erected, and put in operation for a period of two years, from and after the thirteenth day of May, 1909, and being the period fixed by the said before in part recited agreement.

2. The Company covenant, promise and agree with the Corporation that they will proceed with the erection of the said furnace within the said period, as hereby extended, and will, during the first year of the said term, expend the sum of at least one hundred thousand dollars in the construction, erection and equipment and development of the said iron smelting furnace, and the said furnace will be completed and in operation within the said extended period of two years, as hereby provided for.

3. The Corporation hereby expressly waive any right, title or claim they have, or might have, to damages, or any other remedy by reason of the neglect or default of the Company in not completely carrying out the contract as set out in the said agreement dated thirteenth day of May, 1907.

4. It is further mutually agreed between the parties hereto, that in lieu of the fixed assessment of forty thousand dollars, upon the lands of the Company, provided for by paragraph five of the said agreement, dated the thirteenth day of May, 1907, the Company shall pay to the Corporation, by way of taxes upon the lands covered by the said paragraph, a fixed annual sum of one thousand and one hundred and fifty dollars, which said sum shall be payable at the time provided for by the annual by-law for levying rates in the Town of Midland, and the same shall be subject to the terms of the said by-law as to discount for prompt payment, and as to a penalty for neglect or default in payment, and the Corporation shall have all the rights, remedies and powers, as to the collection of the said sum provided for by the said by-law, or by *The Municipal Act*, or *Assessment Act*, or any other Statute in that behalf.

5. It is further mutually agreed that the Corporation shall apply to the Legislature of the Province of Ontario, to have an Act passed for the purpose of confirming this agreement, and all necessary by-laws which shall or may be necessary to pass for carrying out the intention of this agreement. The Corporation covenant and agree to join with and assist the Company in securing the passage of the said Act, and to use all reasonable and lawful means to assist the Company in securing the passage of the said Act. The Company further agree to petition for and secure the passage of the said Act at their own expense, and to pay all costs in connection therewith.

In witness whereof the Corporate Seal of the parties hereto have been hereunto affixed, and the President of the said Company has hereunto set his hand, and the Mayor and the Clerk of the Corporation have hereunto set their hands.

(Seal.)

Witness, JOHN GOULDTHORPE.

T. J. DRUMMOND,  
President.

As to execution by the Canada Iron Corporation, Limited, W. Finlayson.

As to the execution by The Corporation of the Town of Midland.

E. LETHERBY,  
Mayor.

T. I. TRUEMAN,  
Clerk.  
(Seal.)

CHAPTER

## CHAPTER 113.

## An Act respecting the Municipality of Neebing.

*Assented to 29th March, 1909.*

## Preamble.

WHEREAS the Municipality of Neebing has by petition represented that it is advisable to validate and confirm all sales of land now situate within the said Municipality and purporting to have been made for arrears of taxes prior to the 31st December, 1906, and also to validate and confirm certain assessors' and collectors' rolls and collectors' returns heretofore made; and has prayed that an Act may be passed for the said purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Assessment  
and collectors'  
rolls confirmed.

1.—(1) All assessment rolls in respect of any land situate in the said Municipality heretofore finally revised, all collectors' rolls in respect of any land situate in the said Municipality heretofore returned by the collectors thereof, and all collectors returns in respect of such lands heretofore made, are hereby validated and confirmed notwithstanding any irregularity, fault or omission in the said assessments, collectors' rolls or collectors' returns or in any matter or thing done or omitted to be done in relation thereto and notwithstanding anything contained in any Act or Acts to the contrary. This section shall apply to all assessment rolls, collectors' rolls and collectors' returns of any municipality for the time being having jurisdiction over any lands now situated within the limits of the Municipality of Neebing.

Tax sales before 31st Dec., 1906, and tax deeds confirmed.

(2) All sales of land now situate within the limits of The Corporation of the Municipality of Neebing, made prior to the thirty-first day of December, 1906, and which purported to have been made by the Municipality then having jurisdiction for arrears of taxes in respect of the lands so  
sold

sold, are hereby validated and confirmed, and all deeds of the lands so sold, executed by the proper officers of the municipality then having jurisdiction, purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are hereby validated and confirmed, and shall be deemed to have had the effect of vesting the lands so sold and conveyed, or purported to have been sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns in fee simple, free from and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale or their assigns, and of all charges and encumbrances thereon and dower therein except taxes accrued since those for non-payment whereof the said lands were so sold.

(3) This section shall extend and apply to cases where the Municipality having jurisdiction, or any one in trust for it or on its behalf, became the purchaser or grantee of any of such lands. Confirmation of purchases by municipality.

(4) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed. Pending litigation not affected.

## CHAPTER 114.

## An Act respecting the Town of North Toronto.

*Assented to 13th April, 1909.*

Preamble.

WHEREAS the Municipal Corporation of the Town of North Toronto has by petition represented that it is desirable and in the interest of the said town that an Act passed in the fifty-fifth year of the reign of her late Majesty Queen Victoria, Chaptered 78, should be amended by authorizing the Council of the said town to pay out of the general rates any excess in the cost of extending water-mains within the said town over the amount of the frontage tax provided by said Act; and whereas the said Corporation has also prayed for an amendment to the Act of Incorporation of the said town by dividing the said town into four wards and for the confirmation of certain by-laws passed by the Council of the said town as hereinafter specified; and whereas, subject as hereinafter contained, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed in the fifty-fifth year of the reign of Her late Majesty Queen Victoria, Chaptered 78, intituled *An Act to confirm By-laws numbers 76 and 77 of the Town of North Toronto and for other purposes*, is amended by adding thereto the following section:—

55 V. c. 78, s. 5,  
amended.

5a. It shall and may be lawful for the said corporation of the Town of North Toronto to extend the waterworks system of the said town and to lay new watermains under the provisions of *The Consolidated Municipal Act, 1903*, and amendments thereto, relating to local improvements, and to pay out of the taxes levied and collected for general purposes any sum or sums which may be necessary to pay the cost of laying down any watermain or any extension of the system of waterworks as local improvements over and above the amount levied and raised by a frontage tax at the rate  
of

Extension of  
waterworks  
system.



of two and one-half cents per foot frontage on the assessable lands fronting and abutting upon each side of the street or streets upon which such mains shall be laid, and that the said rate of two and one-half cents per foot frontage may be levied in full payment of the share of such improvement to be defrayed by the ratepayers, and although the same should exceed four mills on the dollar of the assessable value of the lands fronting and abutting upon such streets.

2. Notwithstanding anything contained in section 3 of the Act passed in the fifty-third year of the reign of Her late Majesty Queen Victoria, Chaptered 93, intituled *An Act to Incorporate the Town of North Toronto*, section 102 of *The Consolidated Municipal Act, 1903*, shall apply to the said Corporation.

Application of  
3 Edw. VII,  
c. 19, s. 102.

3. The by-laws heretofore passed by the Council of the said Corporation authorizing the construction and laying down of watermains as local improvements and the borrowing of money for the payment of the cost of the construction of such works, and all debentures issued thereunder which by-laws are set forth in Schedule "A" to this Act, and all assessments made or to be made, and all rates levied or to be levied under the said by-laws or any of them for the payment of the said debentures, are hereby validated and confirmed.

By-laws set out  
in Schedule  
"A" confirmed.

SCHEDULE "A."

By-law.	Passed.	Rate- payers' share.	Town's share.	Total cost	Street.	Improve- ment.
		\$ c.	\$ c.	\$		
No. 959	Sept. 8, 1908	394 00	436 00	830	Thro. Block I. Plan 694	Watermain.
" 960	" " "	394 00	404 00	798	" Block K. Plan 679	"
" 961	" " "	394 00	474 00	868	" Block H. Plan 694	"
" 962	" " "	1,472 00	546 00	2,018	Roehampton Av.	"
" 963	" " "	935 26	507 74	1,443	Balliol Street	"
" 964	" " "	890 07	386 93	1,277	Eglinton Ave. E.	"
" 965	" " "	179 09	456 91	636	Algoma Crescent	"
" 966	" " "	1,066 85	363 15	1,430	Briar Hill Ave.	"
" 967	" " "	5,725 27	.....	.....	.....	Consolidat- ing above.

## CHAPTER 115.

## An Act respecting the City of Ottawa.

*Assented to 13th April, 1909.*

## Preamble.

WHEREAS the Corporation of the City of Ottawa has by its petition shown that the said Corporation was under the provisions of an Act passed in the year 1878, being Chapter 37 of the Statutes for that year and intituled "An Act to Consolidate the Debenture Debt of the City of Ottawa," authorized to consolidate its then existing debenture debt, to renew the debentures set out in the preamble to the said Act, to provide for the payment of the interest on the said debentures and the renewals thereof and to create a general sinking fund for the payment or redemption of the said debentures or the renewals thereof; and whereas the said Corporation has by its said petition further shown that it has exercised the authority conferred by the said Act and has redeemed out of the general sinking fund created thereunder all the debentures issued thereunder, with the exception of certain debentures issued in the year 1903, amounting to \$584,000 and certain debentures issued in the year 1905, amounting to \$301,733.33, which are still current and outstanding; and whereas the said Corporation has by its said petition further shown that owing to the said redemptions and the manner in which the same have been made the said general sinking fund created under the said Act will not be sufficient to pay the said outstanding debentures in full at their maturity, that the provisions of the said Act are in other respects unsatisfactory, and that it is expedient that the said Act should be repealed and the said Corporation authorized to cancel the debentures so redeemed as aforesaid and to make other provision for the payment of the said outstanding debentures at their maturity; and whereas the said Corporation has by its petition further shown that the greater part of the debt consolidated under the said Act was contracted for the construction of water works in the said city, that the annual sum authorized by the said Act to be raised to provide a general sinking fund for the payment or redemption of the debentures issued thereunder was made a charge on the water rates

rates, but the interest annually accruing upon the said debentures was made a charge upon the whole of the rateable property of the said city and that it is just that provision should continue to be made for the payment of the said outstanding debentures out of the water rates and of the interest thereon out of a special annual rate upon the whole of the rateable and assessable property of the said city, but that both the principal and interest to be secured by the debentures to be issued under this Act should be charged against the water rates and that there is now standing to the credit of the said general sinking fund created under the said Act, passed in the year 1878, the sum of \$137,271.92; and whereas the said Corporation has by its petition further shown that under the provisions of section 10 of an Act passed in the year 1874, being Chapter 76 of the Statutes for that year, the erection, construction, maintenance and operation of a Fire Alarm System for the said city was made a charge upon the said water rates, and that it is equitable and just that the said water rates should be relieved of the said charge and that hereafter provision should be made for the maintenance and operation, and extension, if necessary, of the said Fire Alarm System, out of the general funds of the Corporation and has prayed that an Act may be passed for the said purposes: and whereas it is expedient to grant the prayers of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The Act passed in the year 1878, and being Chapter 37 of the Statutes for that year, is repealed and the Corporation of the City of Ottawa is authorized to cancel all the debentures invested in or redeemed out of the general sinking fund created under the authority of the said Act and now held by the said Corporation.

<sup>41 V., c. 37,</sup>  
repealed.

2. Notwithstanding the repeal of the said Act the debentures amounting to \$584,000 issued under the provisions of the by-law of the said Corporation intituled "By-law No. 1434; to provide for the issue of debentures to the amount of £120,000 sterling to enable the City of Ottawa to redeem outstanding debentures for that amount which fall due during the current year," passed in the year 1893 under the authority of the said Act and which are payable on the 6th day of October, 1913, and the debentures amounting to \$301,733.33 issued under the provisions of the by-law of the said Corporation, intituled "By-law No. 1552; to provide for the issue of debentures to the amount of \$301,733.33 to enable the City of Ottawa to redeem outstanding debentures for that amount which fell due during the current year," passed in the year 1895 under the authority of the

Debentures to  
remain bind-  
ing.

the

the said Act and which are payable on the first day of May, 1915, shall continue to be binding upon the said Corporation and the said Corporation shall remain liable for the payment of the said debentures at their maturity and of the interest thereon during their currency as expressed in the said by-laws as fully as if the said Act had not been repealed.

Annual rates to be levied for interest.

3. For the purpose of providing for the payment of the interest on the said debentures during their currency, the said Corporation shall continue to raise, levy and collect annually until the date of the maturity of the last of the said debentures, upon the whole of the rateable or assessable property of the said city, a rate of so much on the dollar as shall be sufficient to discharge the interest upon such of the said debentures as may be outstanding.

Annual rates for sinking fund.

4. To provide for the payment of the said debentures at their maturity, a sinking fund shall be created and there shall be transferred and credited thereto as if the said transfer and credit had been made on the first day of January, 1909, out of the moneys standing to the credit of the general sinking fund created under the said Act passed in the year 1878 the sum of \$137,371.92, and thereafter there shall be transferred and credited to the said sinking fund, on the first day of May in each of the years, 1909, 1910, 1911, 1912 and 1913 the sum of \$50,000 and in each of the years 1914 and 1915 the sum of \$29,700, and when raised the sums authorized to be borrowed under the provisions of section 7 hereof, which said sums, with the estimated interest on the said annual sums, are estimated to be sufficient to provide for the payment of the said debentures at their maturity.

Sinking fund rates for 1909-1915 to be a charge on water rates.

5. The said annual sums to be transferred and credited to the said sinking fund in the years 1909, 1910, 1911, 1912, 1913, 1914 and 1915 shall be charges upon the water rates which the said Corporation is authorized to levy and collect by the Act passed in the year 1872, being Chapter 80 of the Statutes for that year and intituled *An Act for the construction of Water Works for the City of Ottawa*, in priority to all other charges and the said Corporation shall in each of the said years 1909, 1910, 1911, 1912, 1913, 1914 and 1915 raise, with the authority conferred by the said Act out of the water rates, a sum sufficient to provide the sum to be transferred and credited in such year to the said sinking fund as aforesaid in addition to all other sums required to be raised to meet the charges for maintenance and for the payment of the principal and interest of other debts authorized to be raised for the purposes of the said water works.

6. If at any time, however, the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid, then, when and so often as the said deficiency shall occur there shall be raised, levied and collected by the said Corporation by a special rate upon the whole of the assessable property of the said Corporation, according to the last revised assessment roll thereof, a sum sufficient to make good such deficiency.

Where water rates insufficient.

7. In order to provide that the said sinking fund shall be sufficient for the payment of the said debentures as the same shall respectively mature the said Corporation may borrow upon a special issue of debentures, bearing interest at such rate as the said Corporation may determine, and payable in ten years from the date thereof, on or before the 6th day of October, 1913, the sum of \$160,000, and on or before the first day of May, 1915, the sum of \$240,000 or such sum as may be necessary to ensure the sufficiency of the said sinking fund for the purposes aforesaid and shall transfer and credit the said sums when raised to the said sinking fund and apply the same to the payment of the said debentures and to no other purpose.

Special issue of debentures to provide for sinking fund.

8. For the payment of the said debt of \$160,000 and the interest thereon and the said debt of \$240,000 and the interest thereon represented by the debentures to be issued under the authority of the immediately preceding section hereof, there shall be annually raised during the currency of the said debentures to be issued for each such debt with the authority conferred by the Act passed in the year 1872, being Chapter 80 of the Statutes for that year and intitled *An Act for the construction of Water Works for the City of Ottawa*, by the said Corporation from the water rates sums sufficient to discharge the said debts and the interest thereon when the same shall respectively become due, such sums to be in addition to the sums required to be raised to meet the charges for maintenance and for the payment of the principal and interest of all debts heretofore authorized to be contracted for the purposes of the said water works. or to be charged against the said water rates by any Act of this Legislature; but if at any time the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid then, when and so often as the said deficiency shall occur, there shall be raised, levied and collected by the said Corporation by a special rate upon the assessable property of the said Corporation according to the last revised assessment roll thereof a sum sufficient to make good such deficiency.

Special annual charge on the water rates for interest and sinking fund.

9. No by-law to be passed under section 7 hereof shall require to be submitted to, or have the assent thereto of the electors before the final passing thereof.

Assent of electors not required.

10.

Repeal of  
inconsistent  
provisions.

10. Any section or sections or part or parts of sections in the Acts of this Legislature authorizing the construction of the waterworks of the City of Ottawa inconsistent with the provisions of this Act are repealed.

37 V., c. 37, s. 10  
repealed.

11. Section 10 of the Act passed in the year 1874, being Chapter 37 of the Statutes for that year, intituled *An Act to enable the Corporation of the City of Ottawa to issue Debentures for a further sum of money to complete the construction of the Water Works for the City of Ottawa*, is repealed, the powers, rights and privileges thereby conferred on the Water Commissioners for the City of Ottawa are transferred to and vested in the said Corporation and hereafter the cost of maintaining, operating and extending when necessary the Fire Alarm System established under the authority of the said section of the said Act shall be provided for out of the general funds of the said Corporation.

Powers, etc.  
water com-  
missioners  
transferred to  
city.

## CHAPTER 116.

## An Act respecting the City of Ottawa.

*Assented to 13th April, 1909.*

WHEREAS the Corporation of the City of Ottawa has Preamble.  
 by its petition prayed for special legislation in  
 regard to the matters hereinafter set forth; and whereas  
 it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and  
 consent of the Legislative Assembly of the Province of  
 Ontario, enacts as follows:—

1. Notwithstanding anything contained in *The Municipal* Polls to be  
*Act*, at all municipal elections hereafter to be held in the kept open until  
 said city the polls shall be kept open until six o'clock in 6 p.m.  
 the afternoon.

2. Notwithstanding anything contained in *The Public* Grant of right  
*Parks Act*, the said Corporation may for the benefit of the of way to  
 Dominion Rifle Association grant to the Ottawa Electric Street Railway  
 Railway Company to enable the said Company to extend its across  
 railway to the Dominion Rifle Range, a right-of-way across Rockcliffe Park.  
 a portion of Rockcliffe Park, the property of the said Cor-  
 poration, upon such terms and subject to such conditions  
 as the Council of the said Corporation may determine.

3. The by-laws of the said Corporation specified in By-laws  
 Schedule "A" hereto and all debentures issued or to be specified in  
 issued thereunder and all assessments made or to be made Schedule "A"  
 for the payment thereof are validated and confirmed. confirmed.

4. By-law No. 2818 of the said Corporation intituled By-law No.  
 "A by-law to authorize the issue of debentures to the 2818 confirmed.  
 amount of \$70,172.46 for water works purposes," which  
 by-law is set out in Schedule "B" to this Act and all  
 debentures issued or to be issued thereunder and all assess-  
 ments made or to be made for the payment thereof are  
 validated and confirmed.

By-law No.  
2829 confirmed.

5. By-law No. 2829 of the said Corporation intituled "A by-law to amend by-law No. 2344," which by-law is set out in Schedule "C" to this Act, is validated and confirmed.

Authority to  
borrow \$85,000  
to construct  
grand stand  
and fire station  
on Lansdowne  
Park.

6. The said Corporation may borrow upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in 30 years from the date thereof a sum not exceeding \$85,000 to provide for the cost of the construction on Lansdowne Park in the said city of a fire proof structure to answer the purposes of a grand stand, fire station and sub-police station.

Authority to  
borrow \$30,000  
for relief sewer.

7. The said Corporation may borrow upon an issue of debentures bearing such interest as the Council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding \$30,000 to provide for the cost of completing the construction of a relief sewer for the central part of the said city, authorized to be constructed under section 6 of the Acts passed in the 8th year of His Majesty's reign, Chaptered 102, intituled *An Act respecting the City of Ottawa*.

Authority to  
borrow \$7,000  
to construct  
roadway for  
extension of  
street railway.

8. The said Corporation may borrow upon an issue of debentures bearing interest at such rate as the council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding \$7,000 to provide for the cost of the construction of a roadway to enable the Ottawa Electric Railway Company to extend its railway to Beechwood and Notre Dame Cemeteries in the Township of Gloucester and may construct the said roadway and expend thereon the said sum, notwithstanding that a part of the said roadway will be outside the boundaries of the said City.

Authority to  
borrow \$7,000  
for improve-  
ments to Public  
Library.

9. The said Corporation may borrow upon an issue of debentures bearing interest at such rate as the council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding \$7,000 to provide for the cost of necessary structural alterations and improvements in the Public Library building in the said City.

Authority to  
borrow \$30,000  
for additional  
fire stations.

10. The said Corporation may borrow upon an issue of debentures bearing interest at such rate as the council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding \$30,000 to provide for the cost of the acquisition of sites for and the  
erection



erection thereon of additional fire stations and the purchase of additional equipment and appliances for the suppression of fires.

11. The said Corporation may borrow upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding \$12,000 to provide for the cost of certain necessary structural changes and improvements in the Contagious Diseases Hospital in the said City to ensure the complete segregation of the different diseases treated therein.

Authority to borrow \$12,000 for improvements to Contagious Diseases Hospital.

12.—(1) The said Corporation may borrow upon an issue of debentures to bear interest at such rate as the council may determine and payable in forty years from the date thereof a sum not exceeding \$98,000 to provide for the cost of completing the construction of a new aqueduct and intake pipe in connection with the water works system of the said city.

Authority to borrow \$98,000 for construction of new aqueduct and intake pipe.

(2) And for the like purpose the said Corporation may borrow upon an issue of debentures to bear interest at such rate as the council of the said Corporation may determine and payable in forty years from the date thereof a sum not exceeding \$200,000, but no by-law shall be finally passed under this subsection until the same shall have been submitted to the electors qualified to vote on by-laws for the creation of debts and shall have received the assent of a majority of the electors voting thereon.

Authority to borrow \$200,000 with assent of ratepayers for aqueduct.

13. For the payment of the debt and interest represented by the debentures to be issued under sections 6, 7, 8, 9, 10 and 11 thereof, there shall be annually raised, levied and collected by the said Corporation during the currency of the said debentures by an annual special rate upon the whole of the assessable property of the said Corporation, according to the last revised assessment roll thereof a sum sufficient to discharge the said debt and interest when the same shall be respectively payable.

Special rate.

14. For the payment of the debt and interest represented by the debentures to be issued under the authority of section 12 hereof there shall be annually raised during the currency of the said debentures, with the authority conferred upon the said Corporation in and by the Act passed in the 35th year of the reign of Her late Majesty, Chaptered 80, and intituled *An Act for the construction of Waterworks for the City of Ottawa*, by the said Corporation from the water rates, a sum sufficient to discharge the said debt and interest when the same shall respectively become due, such sum to be in addition to the money required

Application of water rates and special rate to make up deficiency.

required to be raised to meet the charges of maintenance, and the cost of renewals in connection with the said waterworks, and for the payment of the principal and interest of all debts heretofore authorized to be contracted for the purposes of the said waterworks, or to be charged against the said water rates by any Act of this Legislature; but if at any time the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid; then when and so often as the said deficiency shall occur, there shall be raised, levied and collected by the said Corporation by a special rate upon the assessable property of the said Corporation according to then last revised assessment roll thereof a sum sufficient to make good such deficiency.

Assent of  
electors not  
required.

15. None of the by-laws to be passed under sections 6, 7, 8, 9, 10, 11, and subsection 1 of section 12 hereof shall require to be submitted to or to have the assent thereto of the electors before the final passing thereof.

Application of  
moneys  
borrowed.

16. The sums hereinbefore authorized to be borrowed shall when raised, be used for the respective purposes hereinbefore mentioned and no others.

#### SCHEDULE "A."

(a) By-law No. 2762 entitled "A By-law to authorize the issue of debentures to the amount of \$50,000 for water works purposes," passed on the 18th day of May, A.D. 1908.

(b) By-law No. 2765 entitled "Being a By-law to provide for the issue of debentures to the amount of \$1,056.22 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," passed on the 18th day of May, A.D. 1908.

(c) By-law No. 2766 entitled "Being a By-law to provide for the issue of debentures to the amount of \$58,177.17 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," passed on the 18th day of May, A.D. 1908.

(d) By-law No. 2767 entitled "Being a By-law to provide for the issue of debentures to the amount \$52,528.95 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," passed on the 18th day of May, A.D. 1908.

(e) By-law No. 2768 entitled "Being a collective or cumulative By-law for the consolidation of the several amounts required for particular local improvements specified in the By-laws of the City of Ottawa hereinafter mentioned," passed on the 18th day of May, A.D. 1908.

(f) By-law No. 2769 entitled "Being a collective or cumulative By-law for the consolidation of the several amounts required for particular local improvements specified in the By-laws of the Corporation of the City of Ottawa, hereinafter mentioned," passed on the 18th day of May, A.D. 1908.

(g) By-law No. 2770 entitled "Being a collective or cumulative By-law for the consolidation of the several amounts required for particular local improvements specified in the By-laws of the City of Ottawa hereinafter mentioned," passed on the 18th day of May, A.D. 1908.

(h) By-law No. 2771 entitled "A By-law to provide for borrowing money by the issue of debentures secured by local special rates on the properties fronting or abutting on the respective streets and on the portions thereof, and in the respective wards as in this By-law

By-law, and in the Schedule annexed thereto respectively more particularly designated and described for the construction, in the said respective streets and portions thereof of sewers, in pursuance of the provisions of the Municipal Act," passed on the 18th day of May, A.D. 1908.

(i) By-law No. 2772 entitled "Being a By-law to provide for the issue of debentures to the amount of \$1,145.67 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," passed on the 18th day of May, A.D. 1908.

(j) By-law No. 2773 entitled "A By-law to authorize the issue of debentures of the City of Ottawa to the amount of \$30,000 for the purpose of providing for the cost of certain extensions and improvements of the electric light works of the said city," passed on the first day of June, A.D. 1908.

(k) By-law No. 2805 entitled "By-law to authorize the issue of debentures to the amount of \$52,000 for water works purposes," passed on the 7th day of October, A.D. 1908.

(l) By-law No. 2810 entitled "A By-law to provide for borrowing money by the issue of debentures secured by special rates on the properties fronting or abutting on the respective streets and on the portions and sides thereof and in that part of the City of Ottawa which formerly constituted the Village of Ottawa East, as in this By-law and in the Schedule annexed thereto respectively more particularly designated and described for the construction on said respective portions of said streets and on said respective sides thereof, sewers and sidewalks in pursuance of the provisions of the Municipal Act," passed on the 10th day of November, A.D. 1908.

(m) By-law No. 2811 entitled "A By-law to provide for borrowing money by the issue of debentures secured by local special rates on the properties fronting or abutting on Sussex Street, and on the portions and sides thereof and in the respective wards, as in this By-law and in the Schedule annexed thereto respectively, more particularly designated and described for the construction on said respective portions of said streets and on said respective sides thereof, of an asphalt pavement in pursuance of the provisions of the Municipal Act," passed on the 16th day of November, A.D. 1908.

(n) By-law No. 2812 entitled "Being a By-law to provide for the issue of debentures to the amount of \$61,913.82 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," passed on the 16th day of November, A.D. 1908.

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#### SCHEDULE "B."

##### BY-LAW No. 2818.

A By-law to authorize the issue of debentures to the amount of \$70,172.46 for water works purposes.

Whereas under and by virtue of an Order of the Ontario Railway and Municipal Board, bearing date the 10th of December, 1907, the Village of Ottawa East was annexed to the City of Ottawa.

And whereas one of the terms of the said Order is that the plant of the water works system of the said Village of Ottawa East, which was the property of the Ottawa East Water Company, Limited, should be taken over by the Corporation of the City of Ottawa at a valuation to be determined by arbitration in the event of failure to agree thereon.

And whereas by reason of the annexation of the said Village of Ottawa East it became desirable and necessary, in the public interest to extend the water works system of the said City of Ottawa throughout

throughout the territory which had formerly been embraced within the limits of the said village, and for the purpose of such extension to acquire the said plant of the water works system of the said Village of Ottawa East.

And whereas the said Corporation of the City of Ottawa has, after arbitration proceedings to settle the price to be paid therefor, taken over the said plant of the said water works system at a cost of \$70,172.46.

And whereas it will be necessary to borrow upon an issue of debentures the said sum of \$70,172.46 to provide for the cost of taking over the said plant of the said water works system.

And whereas under and by virtue of section 1 of chapter 78 of an Act of the Legislature of the Province of Ontario, passed during the session thereof held in the year 1907, entitled, "An Act respecting the City of Ottawa," the Corporation of the City of Ottawa is authorized, with the approval of the Ontario Railway and Municipal Board to pass a By-law or By-laws for the purpose of borrowing money for extensions and improvements of its water works system as provided by subsection (5) of section 569 of *The Consolidated Municipal Act, 1903*, as amended by section 21 of *The Municipal Amendment Act, 1906*, and subsection (d) of section 53 of the *Ontario Railway and Municipal Board Act, 1906*.

And whereas it has been shown to the satisfaction of the Ontario Railway and Municipal Board that the said extension was necessary and that a sufficient additional revenue will be derived therefrom to meet the annual special rate required to pay the new debt and interest.

And whereas on the final passing of this by-law three-fourths of all the members of the council of the said Corporation voted in favour of the same.

And whereas the amount of the whole rateable property of the Municipality of the City of Ottawa, according to the last revised assessment roll thereof is \$44,880,080.00.

And whereas the whole of the existing debenture debt of the said municipality (exclusive of the local improvement debt secured by special rates and assessments) is \$6,639,558.86, no part of which for principal or interest is in arrear.

And whereas it will require the sum of \$2,807 to be raised annually by a special rate for the payment of interest on the said debt as hereinafter mentioned during the currency of the said debentures, and also the sum of \$1,480 to be raised annually by a special rate as hereinafter mentioned during the currency of the said debentures for the payment of the said debt, which sum will be sufficient with the estimated interest on the investment thereof to discharge the said debt when payable, making in all the sum of \$4,287.00 to be raised annually as aforesaid.

Therefore, the Municipal Council of the Corporation of the City of Ottawa, with the approval of the Ontario Railway and Municipal Board, enacts as follows:—

1. It shall be lawful for the Corporation of the City of Ottawa to raise by way of loan upon the security of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate who may be willing to advance the same, a sum of money not exceeding in the whole the sum of \$70,172.46 Canadian currency, or the equivalent thereof in sterling money, for the purposes above recited.

2. It shall be lawful for the said Corporation to issue debentures to the amount of the said sum of \$70,172.46 Canadian currency or the equivalent thereof in sterling money in all, said debentures to be issued in sums of not less than \$100 Canadian currency or £20 sterling, and to be sealed with the seal of the said Corporation and signed by the Mayor and Treasurer thereof.

3. The said debentures shall be made payable in Canadian currency at the head office of the Bank of Ottawa, in the City of Ottawa

Ottawa, or in sterling money at Parr's Bank, 4 Bartholomew Lane, London, E.C., England, in thirty years from the day on which this by-law takes effect, and shall have attached thereto coupons for the payment of interest.

4. The said debentures shall bear interest at the rate of four per centum per annum from the date thereof, which interest shall be payable half-yearly on the first days of the months of January and July in each year at the said head office of the Bank of Ottawa, in the City of Ottawa, or at Parr's Bank aforesaid, in London, England.

5. During the currency of the debentures to be issued under the authority of this by-law there shall be raised annually the sum of \$2,807.00 for the payment of interest on the said debentures, and the sum of \$1,480.00 for the purpose of creating a sinking fund for the payment of the debt thereby secured, making in all the sum of \$4,287.00 to be raised annually as aforesaid during the currency of the said debentures, which said sum the said council shall raise annually from the water rates with the authority conferred on the said council by the *Act of the Legislature of the Province of Ontario*, passed in the 35th year of the reign of her late Majesty, Queen Victoria, chaptered 80, and entitled *An Act for the construction of water works for the City of Ottawa*, and the Acts amending the same, and if from any cause the moneys annually accruing from the water rates after deducting the present charges thereon shall prove insufficient for the purposes aforesaid, then so often as the same shall occur an equal special rate on the dollar upon the assessed value of all the rateable property in the said City of Ottawa, according to the last revised assessment roll thereof, over and above all other rates and taxes, sufficient in each year to produce the said sum of \$4,287.00 shall be settled, imposed, levied and collected in each year during the currency of the said debentures for the purpose of paying the said sum of \$70,172.46 or its equivalent in sterling money with the interest thereon as aforesaid.

6. The said sum of \$70,172.46 when obtained shall be applied to the purpose hereinbefore mentioned and to no other.

7. This By-law shall take effect and come into operation on the 1st day of January, A.D. 1909.

Given under the Corporate Seal of the City of Ottawa, this 21st day of December, A.D. 1908.

Certified,

(Sgd.) JOHN HENDERSON,  
City Clerk.  
(Sgd.) NAPOLEON CHAMPAGNE,  
Mayor.

#### SCHEDULE "C."

##### BY-LAW No. 2829.

##### A By-law to amend By-law No. 2344.

The Municipal Corporation of the Corporation of the City of Ottawa, subject to confirmation by the Legislature of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in any By-law of the Corporation or in any Act of the Legislature of the Province of Ontario, the debentures to be issued under By-law No. 2344, entitled "A By-law to authorize the issue of debentures of the City of Ottawa to the amount of \$50,000 for the purpose of acquiring such lands, water power and machinery, easements and privileges, and of constructing such buildings and works as may be necessary for the production, manufacture and use of electricity for lighting the

the streets, squares, lanes, bridges and public places of the said City," shall be dated the first day of July, 1907, shall be payable on the first day of July, 1937, and the interest thereon during the currency thereof shall be payable semi-annually on the first day of January and the first day of July in each year.

Given under the Corporate Seal of the City of Ottawa, this 15th day of February, A.D. 1909.

Certified,

(Sgd.) JOHN HENDERSON,  
*City Clerk.*

(Sgd.) CHAS. HOPEWELL,  
*Mayor.*

## CHAPTER 117.

An Act respecting the establishment in the City of Ottawa of a Hospital or Sanatorium for the reception, care and treatment of persons suffering from tuberculosis.

*Assented to 13th April, 1909.*

WHEREAS the Corporation of the City of Ottawa, has Preamble. by its petition shown that there is great need for the establishment and maintenance in the said City of a hospital or sanatorium for the reception, care and treatment of persons suffering from tuberculosis and especially for the reception, care and treatment of persons in whose case the disease of tuberculosis has reached an advanced stage; and whereas the said Corporation has by its said petition also shown that James Manuel, Esquire, George S. MacCarthy, Physician and George Burn, Banker, all of the said City, together with a large number of other persons have formed an association under the name of "The Ottawa Anti-Tuberculosis Association," having for its object the relief of persons suffering from tuberculosis and that the said association has obtained subscriptions of a large sum of money for the purpose of erecting a hospital or sanatorium, having for its special object the reception, care and treatment of persons suffering from tuberculosis in an advanced stage, and that the said association has procured to be made plans of such a hospital or sanatorium and has obtained the approval of such plans by the Board of Health for the Province of Ontario and by the Medical Health Officer of the said Corporation; and whereas the said Corporation has by its said petition further shown that the said association has offered to erect and furnish at a cost of not less than \$30,000 a hospital or sanatorium for the purposes aforesaid, according to the plans aforesaid upon a suitable site to be provided by the said Corporation, upon condition that the said Corporation shall thereafter, forever maintain the same and that the said Corporation being desirous to assist in promoting the object of the said association has accepted the said offer

offer and is desirous of entering into an agreement with the said association to effect the object of the said association upon the terms aforesaid; and whereas the said Corporation has by its said petition further shown that it has selected the lands hereinafter described as a suitable site for the said hospital or sanatorium, that the said site has been approved by the said association and that the said Corporation is desirous of having the said site approved for the said purpose, of being authorized to acquire the same and to issue debentures to an amount not exceeding \$13,000 to provide for the cost of acquiring the said site and of extending a water main thereto and of providing proper drainage facilities therefor without submitting any by-laws in connection with the said debentures to or having the assent thereto of the electors before the final passing thereof; and whereas the said Corporation has prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayers of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporation  
authorized to  
acquire certain  
lands.

1. The Corporation of the City of Ottawa may acquire the following land and premises, that is to say:—

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa in the County of Carleton, in the Province of Ontario and Dominion of Canada, containing by superficial admeasurement, five and one hundred and forty-seven thousandths acres, being composed of part of lot numbered thirty-four in the first concession, Ottawa Front of the said Township of Nepean; described by metes and bounds as follows:—

Commencing at a point upon the southeasterly boundary of said lot thirty-four, which is also the northwesterly boundary of the road allowance, between the said first concession, Ottawa Front and concession "A," Rideau Front of Nepean; distant eleven hundred and eighty-three and sixty-four hundredths feet on a course North fifty-eight degrees nineteen minutes and thirty-eight seconds east astronomically along said boundary of said road allowance; from the centre of a stone monument at the southwesterly angle of said lot thirty-four, and also distant six and seven-tenths feet on a course of south fifty-eight degrees, nineteen minutes and thirty-eight seconds west astronomically, along said boundary of said road allowance, from the northeasterly angle of a cut stone monument erected by Ontario Land Surveyor, Charles Albert Biggar.

Thence



Thence from the point described, north twenty-two degrees, fifty-eight minutes and forty-two seconds west astronomically, four hundred and thirty-four and sixty-five hundredths feet:

Thence south sixty-seven degrees, one minute and eighteen seconds west astronomically four hundred and seventy-six feet:

Thence south twenty-two degrees, fifty-eight minutes and forty-two seconds east astronomically five hundred and seven and forty-four hundredths feet to the said north-westerly limit of said road allowance, intersecting it sixty and seven tenths feet northeasterly, along said boundary, from the northwesterly angle of a cut stone monument erected by Ontario Land Surveyor, Charles Albert Biggar.

Thence north fifty-eight degrees, nineteen minutes and thirty-eight seconds, east astronomically, along said boundary four hundred and eighty-one and fifty-three hundredths feet to the place of beginning; for the purpose of the erection and maintenance thereon of a hospital or sanatorium for the reception, care and treatment of persons suffering from tuberculosis and especially for the reception, care and treatment of those suffering from tuberculosis in an advanced stage, and notwithstanding anything contained in any other statute, a hospital or sanatorium for such purposes may be erected, established and maintained on the said land.

2. The said Corporation may enter into an agreement with James Manuel of the City of Ottawa, in the County of Carleton, Esquire, President of the un-incorporated association known as the "Ottawa Anti-Tuberculosis Association," George S. MacCarthy, of the said City of Ottawa, physician, Vice-President of the said association, and George Burn, of the said City of Ottawa, Banker, one of the Executive Committee of the said association, acting on behalf of themselves and of all other members of the said association, or in the event of the said association becoming previously incorporated, then with such incorporated association, for the erection and furnishing upon the said land by and under the supervision of the said association of a hospital or sanatorium for the purposes aforesaid, in accordance with the plans already approved by the Provincial Board of Health and by the Medical Health Officer of the said Corporation and now in the possession of the said association, at a cost of not less than \$30,000.

Agreement  
with Anti-  
Tuberculosis  
Association  
authorized.

3. The said hospital or sanatorium when completed and furnished as aforesaid and open and ready for the reception, care and treatment of patients, shall thereafter, together

Hospital to be  
held by  
corporation.

together with such additional buildings as may from time to time be erected by the said Corporation or the said association, be held by the said Corporation forever as a hospital or sanatorium for the purposes aforesaid and shall be forever maintained by the said Corporation for the said purposes in accordance with and subject to the provisions of this Act.

Joint committee of management.

4. The management of the said hospital or sanatorium, including all appointments to the staff thereof, shall be vested in a joint committee representing the said Corporation and the said association, composed of the members of the Board of Control for the time being of the said Corporation and four members to be appointed annually by the said association of which committee the mayor of the said City shall be the chairman and if at any time hereafter the membership of the Board of Control of the said Corporation shall be increased beyond its present number, then the representation of the said association on the said committee shall be increased by a corresponding number so that the number of representatives of the said association upon the said committee shall always be one less than the number for the time being of the members of the said Board of Control.

Annual estimates.

5. The annual estimate of expenditure to be made for and in connection with the said hospital or sanatorium shall be prepared and certified to the Council of the said Corporation by the Board of Control of the said Corporation under the provisions of section 277 of "*The Consolidated Municipal Act, 1903*," and all appropriations, expenditures, contracts and purchases of supplies and material for or in connection with the said hospital or sanatorium shall be subject to and be governed by the provisions of the said section.

Provision for incorporation of association.

6. Should the said association become incorporated subsequent to the making of the agreement aforesaid, then all the covenants contained in the said agreement and the provisions of this Act, shall enure to the benefit of and be binding upon the said incorporated association.

Application of 63 V., c. 57, ss. 11-18.

7. Save as otherwise expressly provided by this Act, sections 11, 14, 15, 16, 17 and 18 of Chapter 57 of the Statutes for 1900 intituled *An Act respecting Municipal Sanatoria for Consumptives*, shall *mutatis mutandis* form part of this Act and apply to the said hospital or sanatorium.

Rev. Stat. c. 205, s. 107 not to apply.

8. Section 107 of *The Public Health Act*, as amended by section 2 of Chapter 34 of the Statutes of 1902, intituled *An Act to amend the Public Health Act*, shall not apply to

to the said hospital or sanatorium or to the regulation thereof.

9. The said Corporation may borrow by a special issue of debentures bearing interest at such rate as the said Corporation may determine and payable in 30 years from the date thereof a sum not exceeding \$9,000 for the purpose of providing for the purchase of the land mentioned in section 1 of this Act and the cost of the construction of necessary drainage facilities in connection with the said hospital or sanatorium and a sum not exceeding \$4,000 for the extension to the said hospital or sanatorium of the water works system of the said City without submitting any by-law in connection therewith to or having the assent thereto of the electors before the final passing thereof.

Power to borrow \$9,000.

10. For the payment of the debt and interest represented by the debentures authorized to be issued under section 9 hereof for the purpose of providing for the purchase of the land mentioned in section 1 hereof and the cost of the construction of necessary drainage facilities in connection with the said hospital or sanatorium there shall be annually raised, levied and collected by the said Corporation during the currency of the said debentures by an annual special rate upon the whole of the assessable property of the said Corporation according to the then last revised assessment roll thereof a sum sufficient to discharge the said debt and interest when the same shall be respectively payable.

Special rate for payment of debentures.

11. For the payment of the debt and interest represented by the debentures to be issued under the authority of section 9 hereof for the purpose of providing for the cost of the extension to the said hospital or sanatorium of the water works system of the said City, there shall be annually raised during the currency of the said debentures with the authority conferred upon the said Corporation in and by the Act passed in the year 1872, being chapter 80 of the statutes for that year, by the said Corporation from the water rates a sum sufficient to discharge the said debt and the interest thereon when the same shall respectively become due, such sum to be in addition to the money required to be raised to meet the charges for maintenance and of renewals in connection with the said water works and for the payment of the principal and interest of all debts heretofore authorized to be contracted for the purposes of the said water works or to be charged against the said water rates by any Act of this Legislature; but if at any time the money accruing from the said water rates shall prove insufficient for the purposes aforesaid, then, when and so often as the said deficiency shall occur there shall be raised, levied and collected by the said Corporation by a special rate upon the assessable property of the said

Cost of extending waterworks system to Sanatorium.

said Corporation according to the then last revised assessment roll thereof a sum sufficient to make good such deficiency.

Money to be  
applied to the  
purposes for  
which they  
are borrowed.

12. The sums hereinbefore authorized to be borrowed shall when raised be used for the purposes hereinbefore mentioned and for no others.

## CHAPTER 118.

## An Act respecting the City of Port Arthur.

*Assented to 13th April, 1909.*

**W**HEREAS the Municipal Corporation of the City of Preamble.  
Port Arthur has by petition represented that it is in the interests of the City that the issue of bonds by the Railway, Marine and General Hospital, Port Arthur, to the amount of \$35,000, and By-law Number 231 of the said City passed on the Twentieth day of October, 1908, guaranteeing the payment of such bonds should be validated and confirmed; and whereas it is desirable that the by-laws specified in Schedule "A" hereto should be validated and confirmed; and that By-law No. 250 set out as Schedule "B" hereto should also be confirmed; and whereas it is necessary and advisable to interpret and more clearly define the meaning of the agreement made between the Cities of Port Arthur and Fort William as incorporated in the award made by the Ontario Railway and Municipal Board; and whereas the said Corporation has prayed that an Act may be passed for the said and for the other purposes hereinafter set out; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The bonds issued or to be issued by the Railway, Marine and General Hospital, Port Arthur, to the amount of \$35,000 are validated and confirmed, and upon the giving by the said Hospital of a first mortgage on all its real property to the Corporation of the City of Port Arthur to indemnify the said City against any loss on account of the guarantee by the said City of such bonds, By-law Number 231 of the said City passed on the twentieth day of October, 1908, guaranteeing the payment of such bonds and all debentures issued or to be issued under the said By-law shall

Hospital bonds  
and by-law  
No. 231 con-  
firmed.

shall be legal, valid and binding on the said Municipal Corporation and the ratepayers thereof.

By-laws specified in Schedule "A" confirmed.

2. The by-laws specified in Schedule "A" hereto and all debentures issued or to be issued thereunder and all rates levied or to be levied for the payment of the said debentures are validated and confirmed and declared to be legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof.

By-law No. 250 confirmed.

3. By-law No. 250 of the City of Port Arthur set out as Schedule "B" hereto is ratified and confirmed and it is declared that the lands affected by the said by-law are All and singular the most northerly two hundred (200) feet in perpendicular width of the water lot in front of the north half of the north-east quarter of section fifty-two (52) of the Township of McIntyre as said water lot is shewn on a plan of survey by W. H. Furlonge, Provincial Land Surveyor, dated March 1st, 1882, of record in the Department of Crown Lands and registered, with other lands, under *The Land Titles Act* as parcel 315 in the register for Thunder Bay at Port Arthur.

Street Railway offices.

4. The offices of the said Street Railway shall be in the City of Port Arthur until the thirty-first day of December, 1913.

Payment of cost of new cars.

5.—(1) Until the thirty-first day of December, 1913, one-half of the number of all new cars required by the Joint Board of Street Railway Commissioners for through service shall be furnished by the Corporation of the City of Port Arthur and one-half by the Corporation of the City of Fort William and all new cars required for local service in either city shall be furnished by the city for which the same are required; provided, however, that any and all cars so furnished hereunder shall be within the meaning of the words "rolling stock" in paragraph one of the agreement set forth in the award of The Ontario Railway and Municipal Board made on the 4th day of July, 1908; and provided further that any and all expenditure made hereunder for cars by Fort William shall be within the meaning of the words "capital expenditure" in paragraph two of such agreement, and likewise within the meaning of the words "such expenditures" in paragraph three of such agreement.

(2) The Council of each of the said cities may from time to time issue debentures without obtaining the assent of the electors thereto, payable within fifteen years from the date of issue thereof and bearing interest at such rate as such council deems proper in order to purchase any and all cars required to be furnished hereunder.

6. In the event of any difference arising as to the construction of the agreement set out as Schedule "B" to the Act passed in the 8th year of His Majesty's reign, Chaptered 80, or of the agreement incorporated in the award of The Ontario Railway and Municipal Board, dated the 4th day of July, 1908, or as to any matter or thing to be done or performed under their terms, such difference shall be determined if either of the said corporations so require, by The Ontario Railway and Municipal Board, and the decision of such Board shall be final and binding upon all parties.

7.—(1) If the Commissioners fail to agree upon the appointment of the fifth Commissioner as provided by the agreement set out as Schedule "B" to the said Act, the appointment shall be made by The Ontario Railway and Municipal Board and such appointee shall be the Chairman of the Board of Commissioners, and shall, subject to the provisions of subsections 2 and 3 hold office until the 31st day of December, 1913.

(2) The Ontario Railway and Municipal Board shall have power to remove the said appointee for cause, upon the application of the council of either of the cities of Fort William and Port Arthur.

(3) In case of the death, resignation or removal from office of any such appointee The Ontario Railway and Municipal Board shall have power from time to time to appoint some other person to fill any vacancy so created.

8. The City of Port Arthur may invest the \$52,000 paid by the City of Fort William under the award of the Ontario Railway and Municipal Board in any of its local improvement debentures or in any of its Street Railway debentures payable within twenty years.

9.—(1) Notwithstanding anything in *The Ontario Railway Act, 1906*, or in any other Act contained street cars may be run on Sunday in the cities of Fort William and Port Arthur after a majority of those voting of the electors entitled to vote at municipal elections in each of the said cities have voted in the affirmative in answer to the question "Are you in favour of operating street cars on Sunday?"

(2) If a majority of those voting in the affirmative in only one of the said cities, cars shall be operated on Sunday only in the city giving such majority vote.

(3) No person shall be required or permitted to work as a motorman or conductor for more than six days of ten hours each in any one week.

(4) For each day on which a breach of subsection 3 is committed the Board of Street Railway Commissioners shall incur a penalty not less than \$20 and not exceeding \$100, recoverable by any person who may sue for the same in any court of competent jurisdiction.

(5) Any judgment for a penalty shall be the first lien or charge upon the property, assets, rents and revenues of the said street railway.

Election of  
members of  
Board of Rail-  
way Com-  
missioners.

10. Notwithstanding anything contained in Schedule "B" to the Act passed in the eighth year of His Majesty's reign, Chaptered 80, the two members representing the City of Port Arthur on the joint Board of Street Railway Commissioners, shall be elected by the freeholders at the same time and in the same manner as the mayor and shall possess the same qualifications and be subject to the same disqualifications as the mayor, but no commissioner shall be a member of the council of the said City.



## SCHEDULE "A."

No. of By-law.	Nature of work under By-law.	When passed by Council.	Total cost of work.		Amount to be borne by city.		Amount to be borne by ratepayers.	Period of payment.	Interest.
			\$	c.	\$	c.	\$	c.	
236	To raise the sum of \$5,000 for school building and site in Ward 3 .....	November 10, 1908. ....	5,000	00	5,000	00	.....	30 years...	5 per cent.
247	To consolidate into one issue of \$40,563.74 the broken amounts of certain 5 per cent. twenty year local improvement debentures.....	November 12, 1908. ....	40,563	74	5,808	23	34,755 51	20 " ...	5 "
248	To raise the further sum of \$12,000 to complete the Current River Water Power Development Works .....	November 23, 1908. ....	12,000	00	12,000	00	.....	30 " ...	5 "
249	To raise the sum of \$27,000 for improving and strengthening Onion Lake Dam on Current River .....	November 23, 1908. ....	27,000	00	27,000	00	.....	30 " ...	5 "
276	To consolidate into one issue of \$18,991.22 the broken amounts of certain 5 per cent. twenty year local improvement debentures .....	December 19, 1908. ....	18,991	22	223	55	18,767 67	20 " ...	5 "
294	To raise the sum of \$6,000 to pay for lands expropriated on Current River in connection with the Power Development of the city .....	January 15, 1909 .....	6,000	00	6,000	00	.....	30 " ...	5 "

## SCHEDULE "A."—Continued.

No. of By-law.	Nature of work under By-law.	When passed by Council	Total cost of work.		Amount to be borne by city.		Amount to be borne by ratepayers.	Period of payment.	Interest.
			\$	c.	\$	c.	\$	c.	
295	To authorize the issue of debentures for \$10,000 for surveys and incidental expenses in connection with the Water Power at Dog Lake .....	January 15, 1909 .....	10,000	00	10,000	00		30	5
296	To raise the further sum of \$25,000 to complete the Current River Water Power Development Works .....	January 15, 1909 .....	25,000	00	25,000	00		30	5
297	To grant an exemption from taxes except for school and frontage taxes for a period of four years to the Vigers-Shear Lumber Company .....	January 15, 1909 .....							
298	To provide for the extension of the street railway along Arthur Street from Cumberland to Hill Street .....	January 15, 1909 .....	9,500	00	9,500	00		30	5
299	To provide for payment by the municipality at large of half the cost of grading Wilson Street from Cumberland Street to Algoma Street .....	January 15, 1909 .....	1,974	00	1,974	00		20	5
300	To provide for payment by the municipality at large of half the cost of grading Dufferin Street from Banning Street to Ross Street .....	January 15, 1909 .....	6,712	00	6,712	00		20	5
301	To provide for the additional expense of double tracking the electric street railway for the City of Port Arthur from Current River to the southerly boundary of the said city .....	January 15, 1909 .....	28,500	00	28,500	00		30	5

## SCHEDULE "B."

THE CITY OF PORT ARTHUR.—BY-LAW No. 250.

A By-law to exempt from taxation (except school taxes) for the period of Twenty years from the ratification of this By-law, certain property within the limits of the City of Port Arthur, and to authorize a certain agreement with W. H. McWilliams and C. B. Piper for the construction of a grain elevator in the City of Port Arthur.

Whereas the said W. H. McWilliams and C. B. Piper have offered to build in the City of Port Arthur a grain elevator of a capacity of from one million to two million bushels, on condition of obtaining from the said city exemption from taxation of all kinds except school taxes, for a period of twenty years from the ratification of this by-law;

And whereas it is deemed expedient to grant the exemption from taxes except school taxes for the said period of twenty years, on the said elevator and all land used in connection therewith, and all docks, trackage, etc., together with all grain or products of grain that may be stored in the said elevator;

And whereas the said W. H. McWilliams and C. B. Piper, and the Corporation of the City of Port Arthur purpose to enter into the agreement hereto annexed, and it is expedient to make provision for the carrying out of the terms of same;

And whereas the amount of the whole rateable property of the said City of Port Arthur, according to the last revised assessment roll thereof, is \$11,538,643.00, of which \$4,549,380.00 is wholly exempt from taxation, and \$500,000.00 is exempt, except for school taxes;

And whereas the existing debenture debt of the said City of Port Arthur amounts to the sum of \$1,888,478.99, no principal and no interest being in arrears;

Therefore the Council of the Corporation of the City of Port Arthur enacts as follows:—

1. It shall and may be lawful for the mayor and clerk of the City of Port Arthur, and they are hereby authorized and empowered for and on behalf of the Corporation of the City of Port Arthur, and under the corporate seal of the said city, to execute the said agreement "A" attached hereto, and to carry out its terms and do all things necessary therefor.

2. The said elevator, and all land used in connection therewith, and all docks, trackage, together with all grain or products of grain that may be stored in the said elevator, and all plant actually used in connection with the said elevator, shall be exempt from all municipal taxation, except school taxes and local improvement taxes for a period of twenty years from the ratification of this by-law, provided, however, that such exemption shall cease upon the owners of the said elevator failing to carry out any of the terms and conditions on their part contained in the said agreement.

3. This bylaw shall come into force on the day of the final passing thereof.

4. The votes of such of the electors of the said City of Port Arthur as are entitled to vote thereon shall be taken on this by-law on Thursday, the 19th day of November, 1908, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the following places, and by the deputy returning officers and poll clerks hereinafter mentioned, that is to say:

Polling Subdivision No. 1, Ward 1.—At the reading room in the municipal building on Arthur Street, by W. A. McCallum as deputy returning officer, and John Benn as poll clerk.

Polling Subdivision No. 2, Ward 1. At the old council chamber on Park Street, by F. S. Wheeler as deputy returning officer, and Arthur McCallum as poll clerk.

Polling Subdivision No. 1, Ward 2.—At Lot 12, east side of Cumberland Street, by Albert Bonin as deputy returning officer, and Albert Servais as poll clerk.

Polling

Polling Subdivision No. 2, Ward 2.—At Lots 1 and 2 of Lot 5, North John Street, at the southwest corner of Algoma and Cornwall Avenue, by R. E. Mitchell as deputy returning officer and Willie Anderson as poll clerk.

Polling Subdivision No. 1, Ward 3.—At Mr. A. L. Russell's office, on the north side of Cameron Street, by Fred Jones as deputy returning officer, and Walter Dennison as poll clerk.

Polling Subdivision No. 2, Ward 3.—At Lot 22, Block "C," McVicar Addition, by G. H. Rapsey as deputy returning officer, and F. Thynne as poll clerk.

5. On the 14th day of November, 1908, at his office in the council chamber, on Arthur Street, in the City of Port Arthur, at ten o'clock in the forenoon, the mayor shall in writing, signed by him, appoint two persons to attend at the final summing up of the votes by the clerk of this Corporation, and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

6. The 20th day of November, 1908, at the council chamber aforesaid, at twelve o'clock noon, is hereby appointed for the summing up by the clerk of this Corporation of the number of votes given for and against this by-law respectively.

Council Chamber, Port Arthur, 23rd day of November, 1908.

J. J. CARRICK,

Mayor.

J. McTEIGUE,

Clerk.

(Seal).

This Agreement, made this Second day of November, 1908, between the City of Port Arthur, Party of the First Part, and William Henry McWilliams and Clarence Brett Piper, both of the City of Winnipeg, Grain Merchants, Parties of the Second Part.

The parties hereto mutually agree as follows:—

(1) The parties of the second part are to construct upon the land described in the schedule hereto, or in the vicinity thereof, a terminal grain elevator of a capacity of from one million to two million bushels, and are to expend in such construction from three hundred thousand dollars (\$300,000) to five hundred thousand dollars (\$500,000).

(2) In consideration of the said agreement on the part of the parties of the first part, the said elevator, and all land used in connection therewith, and all docks, trackage, etc., together with all grain or products of grain that may be stored in the said elevator, are to be exempt from taxation of all kinds, except school taxes, for a period of twenty years from the ratification of the by-law hereinafter referred to, and the city are to take all necessary steps for the submission of a by-law granting the said exemption to the ratepayers and for the ratification of such by-law by the Legislature of Ontario.

(3) The work is to commence on the said elevator as soon as the said by-law has been passed by the ratepayers. The said elevator to be completed and ready for operation within eighteen months of the ratification of the said by-law as aforesaid.

(4) In case the parties of the second part shall cause to be incorporated under *The Dominion Company's Act*, a company to be known as the Thunder Bay Elevator Company, Limited, the said parties may transfer all their interests under this agreement to such Company, and upon such Company entering into a contract with the city assuming the agreement made herein by the parties of the second part, such parties shall thereupon become relieved from all liability under this agreement.

(Sgd.) W. H. McWILLIAMS.

(Sgd.) C. B. PIPER.

Witness:

(Sgd.) C. P. WILSON.

CORPORATION OF THE CITY OF PORT ARTHUR.

(Sgd.) J. J. CARRICK,

Mayor.

CHAPTER

## CHAPTER 119.

An Act to confirm] By-law 1995 of the City of  
St. Catharines.

*Assented to 13th April, 1909.*

WHEREAS the Whitman & Barnes Manufacturing Preamble.  
Company has been carrying on business in the  
said City of St. Catharines, for upwards of twenty years,  
employing a large number of operatives and workmen,  
and paying large sums of money in wages; and whereas  
in April, 1908, the buildings and plant of the said Com-  
pany were totally destroyed by fire; and whereas in August,  
1908, the Municipal Council of the City of St. Catharines,  
deeming it greatly to the advantage of the Municipality,  
passed a By-law Numbered 1995 exempting the plant and  
buildings of the said Manufacturing Company from Muni-  
cipal taxation for a period of ten years; and whereas rely-  
ing upon such by-law, the said Manufacturing Company  
forthwith erected a new plant and buildings in the said  
city, and the same are now in operation; and whereas the  
continued operation of the said plant is greatly to the  
interest of the ratepayers and citizens generally of the said  
Municipality; and whereas the Municipal Corporation of  
the City of St. Catharines have petitioned, praying that an  
Act may be passed to ratify and confirm a By-law of the  
said City of St. Catharines, passed on the 10th day of  
August, 1908, exempting The Whitman & Barnes Manu-  
facturing Company from municipal taxation for a period  
of ten years; and whereas it is expedient to grant the  
prayer of the said petition;

Therefore His Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of  
Ontario, enacts as follows:—

1. Subject to the provisions of sections 3 and 4, By-  
law Number 1995 of the Municipal Corporation of the City By-law No. 1995  
confirmed.  
of St. Catharines, set forth in Schedule "A" of this Act,  
is hereby confirmed and declared legal, valid and binding  
upon

upon the said Municipal Corporation, and the ratepayers thereof, and all others mentioned in said By-law and their assigns.

General  
powers.

2. The said Corporation is hereby empowered to do all necessary acts for the full and proper carrying out of the said By-law.

Agreement  
with company  
as to number  
of workmen to  
be employed.

3. The said The Whitman and Barnes Manufacturing Company shall on or before the 1st day of May, 1909, enter into an agreement with the said City Corporation satisfactory to the Council thereof, respecting the number of operatives or workmen to be employed, and the amount of wages to be paid annually by the said Company in the carrying on of its said manufacturing business during the period of said exemption.

Date of com-  
mencement  
of exemption.

4. Notwithstanding anything contained in the said by-law the exemption from taxation shall date from the 1st day of July, 1908.

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#### SCHEDULE "A."

#### BY-LAW No. 1995.

A By-law to aid by way of bonus The Whitman & Barnes Manufacturing Company by total exemption from municipal taxation for a period of ten years.

Whereas the Whitman & Barnes Manufacturing Company, a Company incorporated under the laws of the State of Ohio, and duly licensed to carry on its business in the Province of Ontario, did for a period of twenty years prior to the 16th day of April, 1908, carry on its business of manufacturing hammers, hatchets, wrenches, drop forgings and mower and reaper knives, in the City of St. Catharines, and in the carrying on of its said manufacturing business employed more than one hundred workmen and operatives, and paid out a large sum of money in wages and salaries;

And whereas on the said 16th day of April, 1908, buildings and manufacturing plant of the said Company were totally destroyed by fire;

And whereas the said The Whitman & Barnes Manufacturing Company are desirous of immediately erecting and constructing new buildings and installing new plant and machinery for the purpose of resuming their said manufacturing business at the said City of St. Catharines, and have applied to this council for aid by way of bonus by total exemption from municipal taxation, for a period of ten years, (save and except taxation for school purposes, local improvements, water rates and street watering), and have further represented to this council, that it is necessary in the interest of their said business, that the erection and construction of the said buildings should be commenced at once;

And

And whereas this council deem it expedient in the interest of this municipality and its citizens, that the said aid by way of bonus, should be granted to the said The Whitman & Barnes Manufacturing Company;

Therefore the Council of the Corporation of the City of St. Catharines, enacts as follows:—

That the land, buildings and property, including business assessment of the said The Whitman & Barnes Manufacturing Company, of the City of St. Catharines shall be totally exempt from municipal taxation, (save and except taxation for school purposes, local improvements, water rates and street watering), for a period of ten years from and including the 1st day of January, 1908.

This by-law shall not be valid or binding unless and until confirmed by Act of the Legislative Assembly of the Province of Ontario.

Passed this 10th day of August, 1908.

(Sgd.) J. S. CAMPBELL,  
Mayor.

J. ALBERT PAY,  
City Clerk.

## CHAPTER 120.

An Act respecting certain Debts of the Town of  
Sarnia.*Assented to 13th April, 1909.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Sarnia has by petition represented that the said Corporation has an outstanding debenture debt incurred for the construction of water works, bonuses to railways and manufactories and for the construction of lasting improvements in the Town of Sarnia of \$665,665.00 or thereabouts, a portion whereof will fall due in each of the years 1909 to 1918 inclusive, and that the aggregate rate of two cents on the dollar on the whole of the rateable property in said town will not be sufficient to meet the current annual expenses of said town, and such portion of the debenture debt thereof as will become due in each of the years mentioned, and that the amount of said debt and interest which said aggregate rate will not be sufficient to meet as aforesaid, will be, as nearly as may be, \$5,000 for each of the years 1909 to 1918, both inclusive; and whereas the said town has also by said petition represented that the said town has incurred debts to the extent of \$9,700 in connection with the construction of lasting improvements, mostly of the nature of local improvements, including interest, which debt is made up as follows:—\$4,699.28 for the construction of a vitrified brick pavement with concrete foundation on the Market Square of the said town in the year 1904; \$457.69, being the expenditure on the construction of what is known as the Devine Street sewer (being a large common sewer provided for the southern portion of the town) beyond the amount raised by a by-law of the said town passed to raise funds for the construction of said sewer; \$550.74, being certain rebates on certain sewers constructed in the said town under local improvement by-laws without provision being made for the raising of such allowances; and \$2,558.23, being the amount less than par value realized from the sale of certain debentures (mostly issued in respect to local improvements) during the years 1907 and 1908



1908 on account of the general stringency of the money market, and \$143.06, interest paid by the said town on such sums to the present time; and that the aggregate amount of two cents on the dollar is not sufficient to meet in any one year the current annual expense of the said town and the amount of the said debt of \$9,700 aforesaid; and whereas the said Corporation has prayed that an Act may be passed to empower the said Corporation in each of the years 1909 to 1918 inclusive, to borrow on new debentures such amount as may be requisite to meet the portions of such outstanding debenture debt maturing and to become due as aforesaid in such years, and to empower the said Corporation to pass a by-law to raise the said sum of \$9,700 and interest thereon and issue debentures of the said town therefor payable within twenty years from the date of the by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to the next section of this Act the Corporation of the Town of Sarnia may from time to time pass by-laws authorizing the issue of new debentures of the said town not to exceed \$5,000 in any one of the years 1909 to 1918, both inclusive, for the purpose of retiring a portion of the debenture debt and interest now outstanding against the said town which shall fall due within the year in which said new debentures may be issued as aforesaid and which debentures shall include interest at such rate as said by-law shall provide; and further, that the said Corporation of the said Town of Sarnia may pass a by-law, authorizing the borrowing of the said sum of \$9,700 referred to in the recitals hereto and the issuing of debentures of the said town for the said amount of \$9,700 with interest at the rate provided for in such by-law, such debentures to be payable within twenty years from the date of the by-law, for the purpose of paying the said debt of \$9,700 in the recitals hereto mentioned; and all such debentures to be issued as aforesaid under any and all of such by-laws may be in such sums and for such amounts either in Canadian or sterling currency as the said Corporation may deem best. Provided, always, that such by-laws shall be in conformity to and shall comply with the provisions of *The Consolidated Municipal Act, 1903*, and of the general municipal law from time to time in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the said town to the passing of any such by-laws as aforesaid nor of the Lieutenant-Governor in Council either under *The Consolidated Municipal Act, 1903*, or any other general Act now or hereafter to be in force in this Province; and provided

Authority to borrow \$5,000 in each year from 1909 to 1918 to retire outstanding debentures and \$9,700 to pay off floating debt.

provided further that subject as aforesaid the said debentures so to be issued as aforesaid under the said by-laws and all monies arising therefrom shall, to the full extent thereof be applied only for the respective purposes hereinbefore mentioned.

Act not to  
apply to public  
school  
debentures.

2. Notwithstanding anything in this Act contained all the now outstanding debentures which are public school debentures or which have been issued for public school purposes or which are debentures for or toward the payment of which the supporters of separate schools or their property in the said town are not now liable or compellable to be rated or assessed or which are outstanding debentures for local improvements, shall be provided for, retired and paid in all respects as if this Act had not been passed

## CHAPTER 121.

## An Act respecting the Town of Sault Ste. Marie.

*Assented to 13th April, 1909.*

WHEREAS the Municipal Corporation of the Town of Sault Ste. Marie has by petition represented that the council of the said municipality has duly passed a by-law intituled, "A By-law to aid John O'Boyle in the construction of a Dry Dock in the Town of Sault Ste Marie," authorizing the said corporation to enter into, execute and carry out an agreement with John O'Boyle, which said agreement is referred to in said by-law as agreement marked "A," for the construction of a dry dock within the corporate limits of the said Town of Sault Ste. Marie; and whereas the Corporation of the Town of Sault Ste. Marie has by the said petition prayed that an Act may be passed ratifying and confirming the said by-law and declaring the same to be legal, valid and binding, and also ratifying, confirming and legalizing the said agreement entered into between the said municipal corporation and the said John O'Boyle in pursuance of the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law Number 585, of the Corporation of the Town of Sault Ste. Marie, set out in Schedule "A" hereto, and the agreement referred to in said by-law as agreement marked "A" and set out in Schedule "B" hereto, are hereby ratified and confirmed and declared to be valid, legal and binding upon the parties thereto and the ratepayers of said corporation, and the said corporation is hereby authorized and empowered to do all necessary and proper acts for the full and proper carrying out of said by-law and agreement.

Confirmation  
of by-law.

SCHEDULE

## SCHEDULE "A."

TOWN OF SAULT STE. MARIE, BY-LAW No. 585.

A by-law to aid John O'Boyle in the construction of a drydock, in the Town of Sault Ste. Marie.

Whereas, John O'Boyle has agreed to construct a drydock in the Town of Sault Ste. Marie, either by himself or by a syndicate to be formed, or a Company to be incorporated for such purpose, and has applied to the Municipal Council of the Town of Sault Ste. Marie to assist him in the said undertaking, subject to the terms and conditions set forth in the agreement hereto annexed, being Schedule "A" to this by-law;

And whereas, the said Council deem it in the interest of the said Corporation to enter into such agreement to grant such aid to secure the construction of such drydock in the said town;

And whereas as there is no similar industry carried on in the said town;

And whereas there is no other industry or enterprise receiving a bonus from the Corporation; and the amount of aid set out in the said agreement would require an annual levy by the Municipal Council for the said Corporation, for an amount less than ten (10) per cent. of the total annual municipal taxation of the said Corporation;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Sault Ste. Marie, and it is hereby enacted as follows:—

1. It shall be lawful for the Corporation of the Town of Sault Ste. Marie to enter into the said agreement incorporated herewith and forming part of this by-law, and marked Schedule "A" to this by-law and to perform and fulfil all the covenants and obligations on the part of the Corporation therein contained; and the Mayor and the Clerk of the said Corporation are hereby authorized for and on behalf of the said Corporation to execute and deliver the said Indenture of Agreement set forth and contained in the said Schedule "A." to the by-law.

2. During the period set forth in the said agreement, the Municipal Council of the Corporation of the Town of Sault Ste. Marie shall make a yearly levy on all the assessable property in the said town for the sum of \$5,000.00, or so much less than the said sum of \$5,000.00 as may be required to pay the amount of the bonus due for the said year as provided in the said agreement.

3. All the property of the said John O'Boyle, or of the syndicate to be formed, or of the Company to be incorporated by him for the purpose of the construction of the said drydock, which may be acquired or employed in connection with the said drydock, shall be exempt from all taxes, save and except school taxes for a period of twenty (20) years, commencing on the first day of January, 1910, and so long as same shall be used in connection with said drydock, or operations in connection therewith, as provided in the said agreement.

4. For the purpose of fixing the school taxes so to be paid, the assessment of the said property shall be fixed at the sum of \$250,000.00 for the said term, save and except for the year 1910, when the assessment shall be placed thereon by the assessor at the actual value thereof, which shall in no case exceed the said sum of \$250,000.00, the taxes applicable to public and separate schools to be divided as provided in the said agreement.

5. This by-law shall come into force and take effect on the final passing thereof.

6. The vote of the electors of the said town shall be taken on this by-law at the following times and places, that is to say:—

On Monday, the eighth day of March, 1909, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, by the following Deputy Returning Officers:—

Polling

Polling Subdivision No. 1—Second hand store, east of Algonquin Hotel, D. Cameron, Deputy Returning Officer.

Polling Subdivision No. 2—Mrs. Carran's store, Bruce Street; R. Cunningham, Deputy Returning Officer.

Polling Subdivision No. 3—Andrew Edwards' House, Bruce Street; G. T. Peacock, Deputy Returning Officer.

Polling Subdivision No. 4—Council Chambers; Albert Carney, Deputy Returning Officer.

Polling Subdivision No. 5—Calder & McKinnon's office, Queen Street; Wm. Calder, Deputy Returning Officer.

Polling Subdivision No. 6—The Sault Star office, Queen Street; Wm. Hallam, Deputy Returning Officer.

Polling Subdivision No. 7—Edwards' shop, Queen Street, M. McKenzie, Deputy Returning Officer.

Polling Subdivision No. 8—Barnes Block, Queen Street, J. J. O'Connor, Deputy Returning Officer.

Polling Subdivision No. 9—Peterson's store, Superior Street; Wm. Rossiter, Deputy Returning Officer.

On Saturday, the sixth day of March, 1909, the Mayor shall attend at the Council Chamber at ten o'clock in the forenoon to appoint persons to attend at the various polling places, as aforesaid, and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this by-law respectively.

The Clerk of the said town shall attend at the Council Chambers at the hour of eleven o'clock in the forenoon of Tuesday, the ninth day of March, 1909, to sum up the number of votes for and against this by-law.

Read a first and second time this eighth day of February, 1909.

C. J. PIM,  
Clerk.

Read a third time and finally passed in open council, this fifteenth day of March, 1909.

Mayor.

Clerk.

#### SCHEDULE "B."

This agreement made in duplicate this eighth day of February, in the year of our Lord one thousand nine hundred and nine, between the Corporation of the Town of Sault Ste. Marie, hereinafter called the Corporation of the First Part, and John O'Boyle, of the Town of Sault Ste. Marie, in the District of Algoma, Contractor, hereinafter called the Promoter, of the Second Part.

Whereas the Corporation is desirous of securing the construction of a drydock at some suitable point within the limits of the said Town of Sault Ste. Marie;

And whereas the promotor has consented and agreed to and with the Corporation by himself, or by a Company, Firm or Syndicate to be formed by him, to construct such drydock on the terms and conditions, and subject to the stipulations and agreements hereinafter set forth;

Now, therefore, this agreement witnesseth, that in consideration of the premises and of the covenants hereinafter reserved and contained on the part of the respective parties hereto, the said parties have and do hereby mutually covenant, promise and agree, each to and with the other of them in the manner following, that is to say:—

1.

1. When and as soon as a by-law has been finally passed, authorizing the execution of this agreement by the Corporation and the same has become legal, valid and binding upon the Corporation, the said promotor will proceed with all despatch to secure the incorporation and organization of a Company authorized to carry on business in the Province of Ontario, which said Corporation is hereinafter designated as the Company, and such Company will, as soon as practicable, purchase the necessary property and proceed with the construction of a drydock, such construction to be commenced and proceeded with as rapidly as circumstances, economical construction and climatic conditions will permit, the dock to be fully completed and ready for operation within the period of two years from the commencement of the construction thereof.

2. The said dock shall be located at some suitable point within the limits of the Corporation of the Town of Sault Ste. Marie.

3. The said dock shall be at least equal in capacity and in manner of construction to the dock mentioned in the report prepared by Hugh Calderwood for the Sault Ste. Marie Board of Trade, and which dock is described by said Calderwood in said report as being a very substantial and permanent one, capable of accommodating any vessel built or building for either the Canadian or American lake traffic, and the cost of which is estimated by him, including the grounds therefor and the plant connected therewith, at the sum of \$500,000.00.

4. The said dock so to be constructed by said Company shall be built of concrete, and shall have a length of 620 feet from the sill to the head of the dock, a width on floor of 53 feet, a width at level of sill of 70 feet, and a width at top of 85 feet 6 inches, with a depth of water over the sill of 17 feet 6 inches under normal conditions.

5. The Corporation shall pay to the Company by way of aid to the construction and establishment of said drydock the sum of \$5,000.00 annually for a period of twenty years in twenty equal payments to become due and payable on the 31st day of December in each and every year, the first of such payments to become due and payable on the 31st day of December, 1910, and the last of such payments on the 31st day of December, 1929, subject to the provisions and conditions hereinafter contained.

Provided always that the first payment of \$5,000.00 shall not become due or payable until said Company shall have expended at least \$100,000.00 on the proposed works; and the second payment of \$5,000.00 shall not become payable until the dock hereinbefore described shall have been completed ready for operation.

6. During the period of twenty years during which said sum of \$5,000.00 is payable as aforesaid, the said Company shall expend in connection with their works, undertakings and operations in every successive three-year period, commencing with the 1st of January, 1910, on an average of at least \$60,000.00 per year, and should said Company fail to expend said amount in any such three year period, then and in such case the amount payable by the Corporation to the Company shall abate and be only payable in the proportion that the amount so expended during such three-year period bears to the sum of \$180,000.00, and provided further that if in any one year the expenditure of said Company, as aforesaid, falls below the sum of \$25,000.00, no sum shall be payable by the Corporation to the Company in that year, but the amount expended in such year shall nevertheless be taken into consideration in the computation of the amount payable to the Company at the end of such three-year period. But should the amount expended in such three-year period by the Company or the promotor not amount in the aggregate to the sum of \$75,000.00, then and in such case the said annual sum of \$5,000.00 shall not be payable in respect of any of the years for such three-year period, and the Company shall in such case forfeit all its rights to such payments for said period, and in case the annual payment of \$5,000.00

\$5,000.00 or any part thereof has been paid to the Company during any such period, the Company will at the end of the year repay to the Corporation any amount so paid by the Corporation.

7. The Company shall expend at least \$400,000 in connection with their works and undertakings.

8. The Corporation shall exempt all property of the Company of every kind real and personal that may be required, owned or leased by the Company, including, but so as not to in any limit or restrict the foregoing said drydock and all machinery lands, buildings and plant employed or used in connection therewith or incidental thereto and including all lands, buildings and property, plant and machinery that may be acquired, purchased, leased, employed or used by the Company in connection with any Shipbuilding yard or business, and including also any railways, railway tracks, right of way, sidings, switches and railway plant that may be used or employed by the Company in connection with any work or undertaking that may be undertaken, acquired or carried on by it, and also the business and income of said Company, from all the municipal rates, taxes and assessments whatsoever, including frontage tax, for a period of twenty years from the 1st day of January, 1910, saving and excepting only school taxes.

Provided always that the property so exempt shall be *bona fide*, required, used or employed in connection with said drydock or said shipbuildings business or industry or with the building, construction or carrying on thereof, or with other works, business or industries carried on by the Company connected with or incidental to said business, works, industries or undertakings.

Provided further that nothing herein contained shall exempt from taxation any business or undertaking carried on by said Company not connected with or incidental to the drydock or shipbuilding business or industry which may come in opposition to or competition with any other business carried on within the limits of said Corporation; and provided further that if said Company shall erect dwelling houses on the lands owned, leased, employed or used by it, such houses shall be liable to taxation the same as any other property in the Corporation.

9. The Corporation shall establish and fix the assessment of the property mentioned in the preceding paragraph hereof, including the business and income of said Company for the purposes of school taxes (which shall be the only municipal taxes of any kind payable by the said Company) at the sum of \$250,000.00 for the year 1911 and the following eighteen years, and the Corporation agrees that the assessment of the said property for school purposes for the year 1910 shall not exceed the said sum of \$250,000.00.

10. The school taxes collected from the said Company under the fixed assessment provided for in the preceding paragraph hereof, shall be divided between the Public and Separate School Boards of said Corporation in the proportion that the total assessment, (apart from the assessment of the Lake Superior Corporation) of public schools supported in the year 1908 bears to the total assessment of separate schools supporters in said year.

11. Should the by-law authorizing the execution of this agreement be finally passed by the council, and this agreement become valid and binding upon the Corporation, and the said promotor failing to form said Company, or said Company fail to proceed with the erection of said dock, in accordance with the provisions of this agreement, then and in such case the promotor or the Company shall repay to the Corporation the expenses properly and necessarily incurred by it in connection with this agreement, and with the said by-law authorizing the execution thereof, and with any legislation that may be necessary for the purpose of validating this agreement and said by-law, said expenses in such case to be repaid to the said Corporation by the promotor or the Company on



on or before the date fixed for the first payment in respect of bonus paid by the Corporation to the Company.

12. Should the Company deem it necessary or desirable to obtain legislation ratifying and declaring valid this agreement or the said by-law, then and in such case the Corporation shall at its own expense apply for and if possible secure such legislation at the session of the Legislature of the Province of Ontario, commencing on the 16th day of February, 1909, and should said Corporation fail, without any default on its part, to secure such legislation, then this agreement shall, at the option of the promotor, become null and void, and the parties hereto be relieved from all further liability thereunder.

13. The Company shall at the end of each year, when required by the Corporation, so to do, produce pay-rolls, vouchers and other documents, or evidence to the person authorized by said Corporation, properly authenticating and verifying the expenditure of such Company to the extent from time to time herein provided for.

14. Should the said promotor hereafter decide to carry on the works and undertakings herein described, by himself or by a partnership, or syndicate formed by him for that purpose, instead of forming a Company, he shall be entitled so to do, notwithstanding anything herein contained, and then in such case the said promotor, firm or syndicate shall, upon filing a notice to that effect with the Clerk of the Corporation, be entitled to all the moneys, immunities, privileges, rights, franchises and benefits given to or conferred upon said Company by this agreement, and shall be subject to all the conditions and obligations imposed upon said Company hereby.

15. Subject to the provisions in the next succeeding paragraph contained, the promotor covenants with the Corporation that the Company will fulfil, observe, perform and keep all the covenants and conditions on the part of the Company herein contained.

16. This agreement shall extend to and be binding upon and enure to the benefit of the successors and assigns of the promotor and the successors and assigns of the Company and upon the filing by the promotor of the assignment by him to the said Company of all his interest in and rights and benefits under this agreement to the said Company with the Clerk of the said Corporation, such Company shall immediately become entitled to and have conferred upon it all the rights, benefits, conditions, powers, moneys, immunities and privileges provided by this agreement or said by-law, as fully and effectually and to the same extent in every respect as if the said Company were now in existence and a party to this agreement and named in said by-law, and upon such Company executing a proper agreement under its corporate seal with the Corporation, identical in substance and effect to this agreement, obligating said Company to observe, perform and keep the covenants and conditions herein contained on the part of the said promotor, and on the part of the said Company, the promotor shall be relieved, released and discharged from all responsibility and liability under this agreement, or in any way in respect thereof.

Witness the hand and seal of the promotor and the corporate seal of the said Corporation and the hand of the Mayor and Clerk thereof.

JOHN O'BOYLE,  
(Seal.)

Witness—

As to execution by

John O'Boyle,  
J. D. H. BROWNE.

As to execution by the Corporation,

GEO. W. GOODWIN,  
C. J. PIM,

Clerk.



## CHAPTER 122.

## An Act respecting the Town of Smith's Falls.

*Assented to 13th April, 1909.*

WHEREAS the Corporation of the Town of Smith's Preamble.  
Falls (hereinafter called the Corporation) on the  
Fifteenth day of June, 1908, passed their By-law number  
794, authorizing the issue of Debentures of the Corpora-  
tion to the amount of \$6,247.67, payable in Thirty annual  
instalments with interest at the rate of Five per centum  
per annum, to pay the floating debt of the Corporation,  
the By-law having been submitted to the vote of the elec-  
tors and carried by 140 votes for, with 31 votes against;  
which By-law is set out in Schedule "A" to this Act, and  
have represented that it was deemed desirable to extend  
the payment of the said Debentures over a period of Thirty  
years to lighten the burden of taxation on the Ratepayers  
and that no objection whatever has been made to the said  
By-law and have prayed that such By-law may be con-  
firmed and the Debentures thereunder declared valid, and  
it is expedient to grant the prayer of the said Petition;

Therefore His Majesty by and with the advice and con-  
sent of the Legislative Assembly of the Province of On-  
tario enacts as follows:—

1. By-law Number 794 set out in Schedule "A" to this By-law No. 794 confirmed.  
Act, is confirmed and it is declared that the said By-law  
and the Debentures issued or to be issued thereunder are  
legal valid and binding on the said Corporation.

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SCHEDULE "A."

THE CORPORATION OF THE TOWN OF SMITH'S FALLS, BY-LAW No. 794.

A By-law to raise by Debentures the sum of Six thousand two  
hundred and forty-seven dollars and sixty-seven cents  
(\$6,247.67) to pay the floating debt of the Town of Smith's  
Falls.

Whereas

Whereas the auditor's report of the Town of Smith's Falls for the year 1907 shows that the Corporation of Smith's Falls has a floating debt of \$6,247.67;

And whereas the Municipal Council of the said Town deem it expedient to provide for the payment of said debt by issuing debentures therefor;

And whereas the amount of debt to be created by this by-law is six thousand two hundred and forty-seven dollars and sixty-seven cents, and the object for which it is created is to pay the floating debt;

And whereas the total amount required to be raised annually by special rate on the rateable property of the Municipality of the Town of Smith's Falls for a period of thirty years for paying the said debt and interest hereon is \$406.42, as set out in the schedule hereinafter written;

And whereas the several annual amounts payable for principal and interest in the respective years are those respectively set out in said schedule;

And whereas the amount of the whole rateable property in the said Municipality of the Town of Smith's Falls, according to the last revised assessment roll, being for the year A. D. 1907, is the sum of \$1,639,449;

And whereas the existing debenture debt of the town amounts to the sum of \$384,614.26, inclusive of water works and sewers debentures amounting to \$189,856.05, and local improvement debentures amounting to \$105,843.22, and exclusive of \$150,000.00 loan to the Frost & Wood Co., Limited, debentures of which principal and interest are payable by the said Company with the exception of \$2,150.00 payable annually, for eight years, being the balance of term of said debentures, by the Municipality of the Town of Smith's Falls, and there is no part of the same or the interest thereon in arrears;

Therefore be it enacted by the Corporation of the Town of Smith's Falls, and it is hereby enacted by the Council thereof as follows:—

1. It shall be lawful for the mayor of the said Corporation, and he is hereby authorized and instructed to borrow for the purpose aforesaid the sum of \$6,247.67, and to issue thirty debentures of the said Corporation, each for the sum of \$406.42, payable at the office of the Treasurer of the said Municipality in the Town of Smith's Falls, and at the times set out in the said schedule to this by-law, and such debentures shall represent in the respective years the amounts of principal and interest respectively as shown in the said schedule, which said interest is reckoned on the unpaid principal at the rate of five per cent. per annum; computed from the 31st day of December, A. D. 1907.

2. It shall be lawful for the Mayor of the said municipality, and he is hereby authorized and instructed to sign the said debentures hereby authorized to be issued, and to cause the same to be signed by the Treasurer of the said municipality, and the Clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

3. For the purpose of paying the said debentures an annual sum of \$406.42 shall be raised, levied and collected at the same time as the ordinary rates of the municipality in each year of the said period of thirty years from and upon all the rateable property of the said municipality in addition to all other rates during the currency of the said debentures.

4. This by-law shall come into force on the date of the final passing thereof, but the said debentures shall be dated as though they had been issued on the 31st of December, 1907.

5. The following is the schedule hereinafter referred to:

No. of Debenture.	Time payable.	Principal.	Interest.	Total.
1	31st Dec., 1908	\$94 04	\$312 38	\$406 42
2	" 1909	98 74	307 68	406 42
3	" 1910	103 67	302 75	406 42
4	" 1911	108 86	297 56	406 42
5	" 1912	114 30	292 12	406 42
6	" 1913	120 02	286 40	406 42
7	" 1914	126 02	280 40	406 42
8	" 1915	132 32	274 10	406 42
9	" 1916	138 93	267 49	406 42
10	" 1917	145 88	260 54	406 42
11	" 1918	153 17	253 25	406 42
12	" 1919	160 83	245 59	406 42
13	" 1920	168 88	237 54	406 42
14	" 1921	177 32	229 10	406 42
15	" 1922	186 19	220 23	406 42
16	" 1923	195 49	210 93	406 42
17	" 1924	205 27	201 15	406 42
18	" 1925	215 53	190 89	406 42
19	" 1926	226 31	180 11	406 42
20	" 1927	237 62	168 80	406 42
21	" 1928	249 51	156 91	406 42
22	" 1929	261 98	144 44	406 42
23	" 1930	275 08	131 34	406 42
24	" 1931	288 84	117 58	406 42
25	" 1932	303 28	103 14	406 42
26	" 1933	318 44	87 98	406 42
27	" 1934	334 36	72 06	406 42
28	" 1935	351 08	55 34	406 42
29	" 1936	368 64	37 78	406 42
30	" 1937	387 07	19 35	406 42

6. The votes of the duly qualified electors of the said Municipality of the Town of Smith's Falls shall be taken on this by-law on Tuesday, the 2nd day of June, 1908, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day at the following places in the said town, and by the following named deputy returning officers and poll clerks, that is to say:—

*In Dufferin Ward.*

Polling subdivision No. 1, at the town hall, and that John Rath be deputy returning officer, and R. W. Goff be poll clerk thereat.

In polling subdivision No. 2, at Gilroy and Purdy's shop and that Fred. Purdy be deputy returning officer, and W. J. Steele be poll clerk thereat.

In Polling subdivision No. 3, at M. Ryan's office, and that Thos. Gibson be deputy returning officer, and Byron Tweedy be poll clerk thereat.

*In Rideau Ward.*

In polling subdivision No. 4, at the council chambers, and that W. A. Ward be deputy returning officer, and Wm. Goff be poll clerk thereat.

In polling subdivision No. 5, at Cullen's Office, and that R. W. Cullen be deputy returning officer and R. Tassie be poll clerk thereat.

*In Elgin Ward.*

In polling subdivision No. 6, at Williams & Vanluven's hall, and that Jas. Garvin be deputy returning officer, and G. C. Fowlie be poll clerk thereat.

In

In polling subdivision No. 7 at J. H. McGillivray's shop, and that Wm. Sutherland be deputy returning officer and Jas. Sutherland be poll clerk thereat.

In polling subdivision No. 8 at Lowrie Rice's shop, and that W. O. Sweeny be deputy returning officer, and A. Percy be poll clerk thereat.

7. On Monday, the 1st of June A. D. 1908, the mayor of the said town shall attend at the town clerk's office, at ten o'clock in the forenoon, to appoint persons to attend at the various polling places aforesaid, and at the final summing up of votes on behalf of the persons interested in promoting or opposing the passing of this by-law respectively.

8. The clerk of the said town shall attend at the council chambers in the town hall, at ten o'clock in the forenoon, of Wednesday, the 3rd day of June, A. D. 1908, to sum up the number of votes given for and against this by-law respectively.

Passed first and second readings this 4th day of May, 1908.

Read a third time and passed the 15th day of June, 1908.

I. B. LYLE, Mayor.

R. J. OLIVER, Clerk *pro tem*.

(Seal).

## CHAPTER 123.

## An Act to confirm By-law No. 251 of the Township of Springer.

*Assented to 13th April, 1909.*

**W**HEREAS the Corporation of the Township of Preamble.  
Springer has by petition represented that certain expenditures were necessarily incurred by the said Corporation during the years 1900, 1901, 1902, 1903, 1904, 1905, 1906 and 1907, and by reason thereof the said Corporation has incurred a floating debt of \$3,500 in the improvement of roadways and the erection of bridges, being public improvements of a permanent and necessary nature, and the amounts levied for said respective years were insufficient to meet said expenditures; and whereas to liquidate the said floating debt forthwith in addition to the ordinary annual expenditures and burdens would be unduly oppressive to the ratepayers; and whereas the amount of the whole rateable property of the said Township of Springer, according to the last revised assessment roll of the said township being for the year 1908, amounted to \$277,000; and whereas the existing debenture debt of the said Corporation is \$1,711.10, of which no part of the principal or interest is in arrear; and whereas the Council of the said Corporation on the 7th day of December, 1908, passed By-law Number 251, to borrow \$3,500 by the issue of debentures to pay off the said floating debt; and whereas the said Corporation has by its petition prayed that the said by-law be confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law Number 251 of the Corporation of the Township of Springer, set out in Schedule "A" to this Act is confirmed and declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof, and By-law No. 251 of township of Springer confirmed.  
the

the debentures to be issued thereunder when so issued shall be legal, valid and binding upon the said Corporation and the ratepayers thereof.

#### SCHEDULE "A."

BY-LAW No. 251 OF THE TOWNSHIP OF SPRINGER, BEING A BY-LAW TO PROVIDE FOR THE ISSUE OF DEBENTURES FOR THE TOWNSHIP OF SPRINGER FOR THE SUM OF THREE THOUSAND FIVE HUNDRED DOLLARS REQUIRED BY THE SAID TOWNSHIP OF SPRINGER.

Whereas the Township of Springer during the years 1900, 1901, 1902, 1903, 1904, 1905, 1906 and 1907 expended the sum of \$3,500 over and above the amounts levied throughout said years incurred in the improvement of roads and the erection of bridges in said municipality;

And whereas by reason of such expenditure and payments the account of the said Township of Springer with the Traders Bank of Canada is now heavily overdrawn;

And whereas the Council of the Township of Springer deem it expedient to issue debentures for the sum of \$3,500 to provide moneys for the repayment of the amounts as above mentioned;

And whereas it is desirable to issue the said debentures at one time, and to make the principal of the said debt repayable by yearly sums during the period of twenty years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amounts so payable in each of the other years of said period;

And whereas the total amount required by the municipality to be raised annually by special rate for paying the said debt and interest as hereinbefore provided, is \$280.85;

And whereas the amount of the whole rateable property of the Township of Springer, according to the last revised assessment roll is \$227,000, being for the year 1908;

And whereas the amount of the existing debenture debt of the said municipality is \$1,711.10, of which no part either of principal or interest is in arrear;

Now, therefore, the Municipal Corporation of the Township of Springer enacts as follows:—

1. That for the purpose of paying said indebtedness of \$3,500 it shall be lawful for the said Corporation to borrow the sum of \$3,500, and to cause any number of debentures of said Corporation of the said Township of Springer to be made and issued, not exceeding the sum of \$3,500 in sums of not less than \$100 each, which debentures shall have coupons attached thereto for the payment of interest and all moneys so to be raised shall be applied and expended for the purposes aforesaid, and in no other way and for no other purpose.

2. The said debentures shall bear interest at the rate of five per cent. per annum, payable yearly as to both principal and interest, and may be payable at the Traders Bank of Canada in the Town of Sturgeon Falls, or at the head office of said Traders Bank of Canada.

3. The reeve of the said Corporation of the Township of Springer shall sign and issue the said debentures and coupons, and cause same to be signed by the treasurer of said Corporation and the clerk of the said Corporation is hereby authorized and instructed to attach the corporate seal of the municipality to said debentures.

4. The said debentures shall be dated and issued all at one time, and within two years from the date of passing of this by-law, and shall be payable in twenty instalments during the twenty years

years next after the issue of the same, and the respective amounts of principal and interest during each of the said years shall be as follows:—

Year.	Principal.	Interest.	Total.
1st	\$105 85	\$175 00	\$280 85
2nd	111 14	169 71	280 85
3rd	116 70	164 15	280 85
4th	122 53	158 32	280 85
5th	128 66	152 19	280 85
6th	135 09	145 76	280 85
7th	141 85	139 00	280 85
8th	148 94	131 91	280 85
9th	156 39	124 46	280 85
10th	164 21	116 64	280 85
11th	172 42	108 43	280 85
12th	181 04	99 81	280 85
13th	190 09	90 76	280 85
14th	199 59	81 26	280 85
15th	209 57	71 28	280 85
16th	220 05	60 80	280 85
17th	231 06	49 79	280 85
18th	242 61	38 24	280 85
19th	254 74	26 11	280 85
20th	267 47	13 38	280 85

5. That for the purpose of paying the said instalments of principal and interest as the same fall due respectively during the said twenty years, the currency of debentures to be issued under this by-law, the sum of \$280.85 shall be levied and raised annually by a rate sufficient therefor on all the rateable property of said municipality.

6. Application shall be made by the Corporation of the Township of Springer to the Legislature of the Province of Ontario, for an Act to confirm this by-law, and on such legislation being obtained this by-law shall come into effect.

Passed in Council this seventh day of December, 1908.

GEO. MAURICE,

Reeve.

ONESIME LAFRANCE,

Clerk.

(Seal).

## CHAPTER 124.

## An Act to incorporate the Town of Tilbury.

*Assented to 13th April, 1909.*

Preamble.

**W**HEREAS the Village of Tilbury, in the County of Kent, is situated in the centre of the oil and gas fields of the Townships of Tilbury East, Romney and Tilbury North, and is increasing rapidly in population owing to its close proximity to the said oil and gas fields and to the establishment and operation in said village of manufacturing industries, employing many hands, is an important business centre, in the heart of a rich and well settled farming community; and whereas the Corporation of said Village have, by their petition, represented that the Incorporation of the said Village as a Town would greatly promote its future prosperity, and enable its inhabitants to make suitable regulations for the protection and improvement of property, and ensure to it a more beneficial, economical and efficient administration of its public affairs; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation  
of town of  
Tilbury.

1. From and after the holding of the first election under this Act, the said Village of Tilbury shall be and is hereby constituted a corporation or body politic, under the name of "The Corporation of the Town of Tilbury," and shall enjoy and shall have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province, except where otherwise provided by this Act.

Limits.

2. The said Town of Tilbury shall comprise and consist of the present Village of Tilbury.

3.



3. The provisions of *The Consolidated Municipal Act, 1903*, relating to matters consequent on the formation of new municipal corporations and the other provisions of *The Consolidated Municipal Act, 1903*, relating to towns shall, after the holding of the first election under this Act, except so far as is herein otherwise provided, apply to the said Town of Tilbury in the same manner as if the said Village of Tilbury had been erected into a town under the provisions of the said Municipal Act.

4. On the last Monday of the month of December, 1909, it shall be lawful for Arthur Andrew Wilson, or the clerk of the municipality for the time being, who is hereby appointed returning officer, to hold the nomination for the first election of mayor, reeve and councillors at Anderson Hall, in the said Town of Tilbury, at the hour of noon, of which due notice shall be given in the same manner as the same would be given if the said Town of Tilbury had been incorporated under the provisions of *The Consolidated Municipal Act, 1903*, and amending Acts, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election (if necessary) shall be held on the same day of the week next following the said nomination, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place or places at which the polling shall take place.

5. The said returning officer by his warrant shall appoint a deputy returning officer for each of the polling subdivisions into which the Town is divided, and such returning officer and each deputy returning officer shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

6. The council of the said Town, to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, a reeve and five councillors.

7. The mayor, reeve and councillors so to be elected shall hold their first meeting at the council chamber, in the Palmer Block, in the said Town of Tilbury, at ten o'clock in

Application of  
3 Edw. VII.  
c. 19.

Date of nomi-  
nation and  
election.

Appointment  
of Deputy  
Returning  
Officers, etc.

Council how  
composed.

First meeting  
of council.

in the forenoon on the same day of the week next following the polling, and if there shall not be any polling, on the same day of the week next following the nomination.

Declaration of  
office, etc.

8. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Qualification of  
officers and  
electors.

9. At the first election of mayor, reeve and councillors for the said Town of Tilbury, the qualification of electors and that of officers required to qualify shall be the same as that required in towns by the municipal laws of Ontario.

Expenses of  
Act.

10. The expenses incurred in obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said Town of Tilbury, or otherwise, shall be borne by the said town, and paid by it to any person entitled thereto.

By-laws, etc.,  
continued.

11. All by-laws and municipal regulations which are in force in the Village of Tilbury shall continue and be in force as if they had been passed by the Corporation of the Town of Tilbury, and shall extend to and have full effect within the limits of the town to be incorporated.

Property,  
debts, etc.,  
transferred to  
town.

12. The property, assets, debts, liabilities, and obligations of the Village of Tilbury shall belong to and be assumed and paid by the Town of Tilbury.

Officers  
continued.

13. All officers of said Village of Tilbury shall continue to act, and have power as such, as officers of and within the Town of Tilbury, until the council of the said Town shall otherwise order and direct.

## CHAPTER 125.

## An Act respecting the City of Toronto.

*Assented to 13th April, 1909.*

WHEREAS the Municipal Corporation of the City of Preamble.  
Toronto has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas the said Corporation has agreed with the Corporation of the City of West Toronto as to the terms upon which the last mentioned City should be annexed to the City of Toronto, and it is expedient that annexation upon the said terms should be authorized; and whereas the said Corporation represents that it is expedient that it should have power to appoint a City Auditor, and that it should have power to make an annual appropriation of Ten thousand dollars for forty years for the Toronto Police Benefit Fund, and that it should have power to make certain grants for charitable or benevolent objects; and whereas the said Corporation represents that it is desirable that the council thereof should be allowed to pass by-laws to raise money for the protection of railway crossings when ordered by the Board of Railway Commissioners for Canada, and to be allowed to pass a by-law for the purpose of raising One hundred and thirty-five thousand dollars to defray the cost of an eastern entrance to the Exhibition Grounds; and whereas the Corporation represents that it is desirable that the amount of the debt incurred for certain purposes should not be counted in determining the limit of its borrowing powers; and whereas the said Corporation represents that it is desirable that the by-laws set out and referred to in Schedule "B" should be confirmed; and whereas the said Corporation and the Board of Trustees of the Massey Music Hall have agreed that the said Hall should be exempt from municipal taxation upon condition that the Corporation should be represented on the said Board and on other conditions; and whereas by Deed of Grant, dated 19th of February, 1873, John George Howard, (his wife, Jemima Frances Howard, joining to bar her dower) conveyed to the Trustees of School Section No. 22, in the Township of York, the lands hereinafter

inafter described "upon trust for the use of a common School or for religious purposes in and for School Section No. 22, in the Township of York aforesaid;" and whereas the said lands are now vested in the Board of Education for the City of Toronto and there is erected thereon a Public School; and whereas the Corporation of the said City have passed a By-law expropriating a portion of the said lands for the purpose of extending Radford street, leaving a small portion thereof north of the said street so extended, and in order that the Board of Education may be enabled to grant to the said City the lands required for the said street extension and to dispose of the balance of the said lands when no longer required for school purposes, it is expedient that the said lands be freed from the said trust; and whereas the value of the whole rateable property of the said City according to the last revised assessment rolls is \$227,800,000 and the existing debenture debt of the said City exclusive of the local improvement debt and the debt incurred for waterworks purposes (which under the statutes relating to the said City is not to be counted as part of the general debenture debt) is \$16,953,596.36 of which no part of the principal or interest is in arrear; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:\*

Annexation  
of City of  
West Toronto.

1.—(1) On the first day of May, 1909, the City of West Toronto shall be annexed to the City of Toronto upon the terms herein set out, and shall thereafter cease to be a separate municipality, and shall (subject to future redistribution or abolition of wards) become Ward No. 7 of the City of Toronto, and shall be entitled to be represented in the Council of the City of Toronto by two aldermen to be elected annually in the manner at present provided by law until the population of the said Ward shall have reached 30,000 (according to the assessment roll) and thereafter by three aldermen to be similarly elected.

(2) The election of two aldermen for the said Ward No. 7 for the balance of the current year shall be held within one month from date of annexation at such time and places and by such returning officers, as the Council of the City of Toronto may by by-law, passed at any reasonable time before such election, appoint, and the persons entitled to vote at such election shall be such persons as would have been entitled to vote thereat had West Toronto continued to be a separate city and had such election been held therein on such date. The provisions of *The Consolidated Municipal Act, 1903*, and of any other Statutes

Statutes in force relating to elections to the Council of the City of Toronto shall, as far as may be possible, apply to such election.

(3) The Corporation of the City of Toronto may cause an assessment to be made in the territory so annexed upon which the taxation for the year 1909 may be levied. If such assessment be not made, the taxation for the said year shall be levied upon the assessment contained in the assessment rolls for the City of West Toronto for the year 1909 and in such case the said rolls shall be for all purposes the last revised assessment rolls for Ward No. 7 until the final revision and correction of a new Assessment roll for the said Ward and all persons who would have been entitled to vote in the City of West Toronto on by-laws requiring the assent of the electors shall be entitled to vote on such by-laws in the City of Toronto. In either case the rate of taxation in the said Ward 7 for the year 1909 shall be the same as in the remainder of the City of Toronto and all property therein shall be subject to taxation at the said rate, subject to the exemptions hereinafter referred to.

If a by-law levying a rate for the annual taxes in the said City has been passed before the date of annexation, the Council of the said City may thereafter pass a by-law levying the same rate in the said Ward 7.

(4) All property and assets of the City of West Toronto shall, from and after the date of annexation, be the property of the Corporation of the City of Toronto and shall be forthwith thereafter delivered to such persons and officials as the Council of the Corporation of the City of Toronto may appoint for that purpose.

(5) Save as herein otherwise provided, all existing contracts, liabilities, lawful debts and obligations of the City of West Toronto are hereby declared, from and after the date of annexation, to be the contracts, liabilities, debts and obligations of the Corporation of the City of Toronto, including the said Ward No. 7, and shall be met, discharged, observed and kept by the Corporation of the City of Toronto, according to the nature thereof, as if the same had been originally incurred or entered into by the last named Corporation.

(6) Save as herein otherwise provided, all existing contracts, liabilities, debts and obligations of any person with or to the Corporation of the City of West Toronto shall enure to the benefit of the Corporation of the City of Toronto and shall be read and construed in every respect as if the said last mentioned Corporation had been originally a party thereto in lieu of the City of West Toronto or the Town of West Toronto Junction or Town of Toronto Junction

Junction and all sureties for the several officials of the City of West Toronto shall be and remain liable as if they had become sureties for such officials to the city of Toronto in the first instance, and all bonds and sureties, which shall have been given to the said City of West Toronto or Town of West Toronto Junction or Town of Toronto Junction at any time before the said annexation comes into force, shall enure to the benefit of the Corporation of the City of Toronto, and the said Corporation shall have all the rights and remedies thereto and thereunder and shall be entitled to recover on all such contracts, liabilities, debts, obligations or bonds and to collect all taxes, rates or impositions to the same extent and under the like circumstances as the said City of West Toronto could have done had it remained a separate municipality.

(7) The by-laws of the City of Toronto shall upon annexation extend to the additional limits and the by-laws of the City of West Toronto shall, from and after the annexation thereof, cease to operate or have any effect, save and except by-laws relating to roads and streets and improvements thereon or therein and the following by-laws, contracts and statutes:

By-law No. 524 granting partial exemption from taxation to the Wilkinson Plough Co., Limited, expiring December 31st, 1909.

By-law No. 631 granting total exemption from general taxation to the Dominion Carriage Co., Limited, expiring September 30th, 1916.

By-law No. 506 granting partial exemption from general taxation to the Dodge Mfg. Co. of Toronto, Limited, expiring December 31st, 1910, as amended by By-law No. 568.

By-law No. 610 granting partial exemption from general taxation to the Laces & Braid Mfg. Coy., expiring December 31st, 1914.

By-law No. 515 granting total exemption from general taxation to the Gurney Foundry Company, Limited, expiring December 31st, 1911.

By-laws Nos. 612 and 625 granting total exemption from general taxation to The Benjamin Moore Company, Limited, expiring December 31st, 1915.

By-law No. 514 granting partial exemption from taxation to The Pugsley, Dingman Coy., Limited, expiring December 31st, 1911.

By-law No. 580 granting total exemption from general taxation to the Gunns, Limited, and ratified by Statute, expiring December 31st, 1932.

By-laws Nos. 562 and 587 granting partial exemption from taxation to The Canada Cycle and Motor Co., Limited, expiring December 31st, 1913.

By-law

By-law No. 541 granting total exemption from general taxation to Samuel Nordheimer, expiring December 31st, 1912.

By-law No. 525 granting partial exemption from taxation to the Heintzman Co., expiring December 31st, 1911.

By-law Nos. 444 and 502 granting total exemption from general taxation to the Union Stock Yards Co., Limited, (ratified by Statute), expiring December 31st, 1932.

By-law No. 475 granting total exemption from general taxation to the Toronto Suburban Railway, expiring December 31st, 1921, and the other by-laws and agreements printed as schedules to section 1 of the Statute 63 Vic. cap. 103 and the said section 1 and section 2 of said Act.

By-law No. 554, authorizing the execution of a contract with the Stark T. L. & P. System, and the contract between The Corporation and said Company and its assigns, and By-law No. 672 amending the said contract.

By-law No. 635 *re* Dundas Street Local Improvement (ratified by Statute).

By-law No. 656 authorizing the execution of road roller notes.

The said by-laws granting total or partial exemption from taxation shall, subject to the provisions therein contained, continue in force only for the term granted by said by-laws and there shall be no right of renewal of such exemption in whole or in part thereafter.

(8) The By-law No. 551 of the City of West Toronto prohibiting the sale of liquor by retail, shall remain in force in the territory now known as the City of West Toronto until such by-law shall be repealed by a by-law of the City of Toronto, approved by a majority of the electors in said territory voting thereon and submitted in accordance with the provisions of *The Liquor License Act* and amendments thereto, and such repealing by-law or subsequent repealing by-laws shall only be submitted at such time or times as they could have been or could be legally submitted if this annexation had not taken place.

All the provisions of the *Liquor License Act* with reference to the repeal of a by-law prohibiting the sale of liquor by retail within the City shall *mutatis mutandis* apply to the said territory.

(9) Subject to the appointment by the Lieutenant-Governor in Council, the Police Magistrate for the City of West Toronto holding office on the 1st of March, 1909, shall be an additional Police Magistrate for the City of Toronto at a salary not less than that to which he was entitled by Statute immediately before the passing of this Act.

(10)



(10) Until a rearrangement of the Police Court business of the City of Toronto has been made, the Corporation of the City of Toronto will continue, and it is hereby authorized to continue, the Police Court as now established in West Toronto as a Police Court for the City of Toronto, and the Board of Commissioners of Police of the said City may from time to time order and determine what cases within the jurisdiction of a Police Magistrate may be heard and disposed of in such Court and the territory within the City of Toronto to which such powers shall extend.

(11) Nothing herein contained shall affect the territorial jurisdiction of the Eighth Division Court of the County of York and the sittings of the said Court may continue to be held in the Court Room in the City Hall of the present City of West Toronto.

(12) Notwithstanding anything contained in *The Registry Act* to the contrary, all instruments affecting lands in the territory hereby annexed shall be registered in the Registry Office for East and West York and the books and documents in the said Registry Office relating to lands within the said territory shall remain in the said Registry Office and shall not be transferred to the Registry Office for the Western Division of the City of Toronto until the latter office shall have been enlarged sufficiently to provide proper shelf room for the said books and documents and room to allow the public conveniently to inspect the said books and documents and transact other necessary business in the said office, and upon the same being so enlarged to his satisfaction, the Lieutenant-Governor in Council may by proclamation appoint a day upon which the provisions of sections 32 and 33 of *The Registry Act* shall become operative and after which all registrations shall be made in the office of the said Western Division.

(13) Such public services as highways, fire and police protection, water supply, street lighting, sewerage and other like services, shall be supplied by the Corporation of the City of Toronto in and to the territory to be annexed in the manner provided therefor by law and with all reasonable expedition.

(14) The Corporation of the City of Toronto shall retain the services of all the present officers of the City of West Toronto in its various departments at salaries not less than they are now receiving from the City of West Toronto, subject to control or dismissal the same as other officers of the City of Toronto.

(15) As far as it may have power so to do, the Corporation of the City of Toronto shall retain in some capacity the



the services of the police force of West Toronto, composed of a Chief of Police, a Sergeant of Police and four police constables, subject to control or dismissal by the Board of Police Commissioners or other proper authority of the City of Toronto, as provided in the preceding paragraph.

(16) As far as it may have power so to do, the Corporation of the City of Toronto shall retain, subject to subsequent control and action by the Board of Education, or other proper authority of the said City, all teachers in the West Toronto Public Schools, and West Toronto Collegiate Institute, the supervisor of the Public Schools and teacher of Model School Classes, and the Secretary-Treasurer of the Public School and Collegiate Institute Boards.

(17) The Corporation of the City of Toronto shall, as expeditiously as possible, connect the water system of the said City with the water system of West Toronto, so as to supply to the residents within the annexed territory water from the water system of the said City.

(18) The West Toronto Public Library and its assets shall become a portion or branch of the Toronto Public Library, and be under the control and management of the City of Toronto Public Library Board from and after the date of annexation as herein provided, from which date the West Toronto Public Library Board shall cease to have any authority or control over said West Toronto Public Library.

(19) No act, deed, resolution or by-law of the Corporation of the City of West Toronto, or of the Council thereof, made, done or passed after the passing of this Act, whereby any new liability is imposed upon the said Corporation, or whereby any money of the said Corporation becomes, or is made payable to any person, shall have any force, validity or effect unless or until it shall have been ratified by resolution of the Council of the Corporation of the City of Toronto, and no act, deed or resolution of the High School Board, Public School Board or Public Library Board of West Toronto made, done or passed after the passing of this Act, imposing any liability upon any of the said boards, or the funds at their disposition, or whereby any of the said funds would become payable to any person, shall have any force, validity or effect until ratified by resolution of the Board of Education, or the Public Library Board of the City of Toronto.

(20) Nothing herein contained shall affect the provisions of the Statutes passed in the fifty-second and fifty-fifth years of Her late Majesty Queen Victoria, and Chaptered respectively 75 and 91, or of the Proclamation of His Honour the Lieutenant-Governor in Council, dated the 30th day of December, 1890, respecting the assessment of the  
lands

lands of Francis Silverthorne, George Stockdale Townsley, Mrs. Abigail Hay, John Archibald Scarlett, Joseph Birney, John Land Birney, the Kennedy Estate, Robert MacGregor, Frank Baby and Henry Wilberforce Aikins, M.D.

(21) The powers conferred upon the Corporation of the Town of Toronto Junction by sections 6, 7, and 8 of the Act passed in the sixty-third year of the reign of Her late Majesty Queen Victoria and Chaptered 103 are hereby transferred to and vested in the said Corporation of the City of Toronto, and the provisions of sections 5, 6, 7, and 8 of the said Act shall remain in force.

Appointment  
of City  
Auditor.

2.—(1) The Council of the Corporation of the City of Toronto shall appoint an officer, to be called the "City Auditor," who shall hold office during good behaviour, and shall be removable for cause by the Council upon a vote of two-thirds thereof present and voting.

(2) The City Auditor shall have power to appoint such assistants and clerks as he may from time to time consider necessary for the proper and efficient working of the Audit Department.

(3) The City Auditor shall have power to suspend, dismiss and reinstate any employee of his Department, and shall report all appointments and dismissals to the Board of Control at its first meeting thereafter.

(4) The City Auditor shall examine, check and audit all accounts of receipts and expenditures of public moneys, and (so far as he can legally do so) the books and vouchers of all outside bodies in whose accounts the City is financially interested

(5) After the passing of the annual estimates the City Treasurer shall submit to the City Auditor monthly a statement shewing the amounts expended out of the various appropriations, which when checked by the City Auditor shall be forwarded by him to the Board of Control.

(6) The City Auditor shall not permit any Department to overdraw its appropriation and shall see that each item of expenditure is charged only to the proper appropriation or subdivision of appropriation. He shall exercise supervision over the methods of bookkeeping and accounting in the various Departments.

(7) The City Auditor may examine any person on oath as to any matter pertinent to any account submitted to him for Audit. He may require from any City Official any document or copies of documents, and such information regarding the conduct or affairs of any Department as he may

may think proper, and may require from the City Treasurer, or other official collecting money, a daily statement of amounts collected, amounts expended and the balances at the various banks.

(8) The City Auditor shall from time to time check the cash balances of the tellers in the Treasurer's Department and verify all bank balances monthly, and shall see that complete records of all the City's property, revenue producing or otherwise, are made and kept up.

(9) The City Auditor shall see that no illegal expenditures are made of the funds of the City.

(10) All progress and final Certificates on Contracts, pay sheets of Departments and orders on the Treasurer of whatever description shall be passed by the City Auditor before payment. He shall also countersign all cheques issued by the City Treasurer on the City's bank accounts.

(11) The Treasurer shall prepare in duplicate, not later than the first day of April in each year, an abstract of the receipts and expenditures of the City for the year ending on the 31st of December preceding, and of the assets and liabilities thereof at that date, and shall submit the same to the City Auditor for examination. The City Auditor shall audit such abstracts with the Treasurer's books and shall make a report on all accounts audited by him and, on or before the first day of May, he shall transmit one copy of the said abstract with his report to the Secretary of the Bureau of Industries, Toronto, and file the other in the office of the Clerk of the Council, and thereafter any resident of the municipality may inspect the same at all reasonable times and may by himself or his agents at his own expense take a copy thereof or extracts therefrom.

(12) In addition to the duties hereby prescribed, the City Auditor shall perform such other duties as may be from time to time imposed by by-law of the Council of the said City.

(13) The City Auditor shall, before entering on the duties of his office make and subscribe the following solemn declaration in the manner provided by *The Municipal Act* :

I, A B., having been appointed City Auditor do hereby promise and declare that I will faithfully perform the duties of such office according to the best of my judgment and ability; and I do solemnly declare that I have not directly or indirectly any share or interest whatever in any contract or employment with or on behalf of the Corporation of the City of Toronto, saving and excepting that arising out of my office as City Auditor.

Grant to  
Police Benefit  
Fund.

3. The council of the said City may make an agreement with the Toronto Police Benefit Fund for the appropriation and payment to the said Fund annually for a period of forty years of a sum of not more than \$10,000 out of the current revenue of the City each year, and any such agreement executed by the said City and the said Police Benefit Fund and approved by the Board of Commissioners of Police for the said City shall be valid and binding upon the said City, the said Benefit Fund and Board of Police Commissioners, and their respective successors and assigns. It shall be a provision of such agreement that the said annual payment of \$10,000 shall be made only so long as the members of the Police Force of the said City continue to pay into the said Fund not less than 7 per cent. of their pay and that whenever the said percentage is reduced the said annual payment by the City shall be proportionately reduced.

Power to make  
certain grants.

4. The Council of the said City may make a grant of \$200 to assist in defraying the cost of a memorial tablet to the Toronto Volunteers who lost their lives in the North West Rebellion of 1885, and may make a grant of \$5,000 for the relief of the sufferers by the recent earthquake in Italy.

Raising money  
for protection  
of railway  
crossings.

5. The Council of the said City may from time to time, without submitting the same to the electors qualified to vote on by-laws for the creation of debts, pass such by-laws as may be necessary to authorize the issue of "City of Toronto Consolidated Loan Debentures" for the purpose of paying the said City's share of the cost of the elevation of the tracks of railways, as may be directed from time to time by order of the Board of Railway Commissioners for Canada, and for the purpose of raising any other sums necessary for the carrying out of such order or orders, and similarly may pass such by-laws as may be necessary from time to time to defray the said City's share of the cost of any other works for the separation of highway and railway grades or the protection of highway crossings in and adjoining the said City, which may at any time be ordered by the said Board.

Debentures for  
\$135,000 for  
eastern  
entrance to  
Exhibition  
Grounds.

6. The Council of the said City may, without submitting the same to the electors qualified to vote on by-laws for the creation of debts, pass a by-law or by-laws to authorize the issue of "City of Toronto Consolidated Loan Debentures" to such amount as may be required to raise a sum of money not exceeding \$135,000 for the purpose of defraying the cost of bridges, grading, paving, repaving, purchase of land and other expenditure necessary to afford access for a street railway line from Bathurst Street or some other street or point westerly thereof to the Exhibition Grounds through the Garrison Commons, or may defray the cost thereof by the issue of "City of Toronto Street  
Railway

Railway Debentures," as if the said work were authorized by section 4 of the Act passed in the fifty-fifth year of the reign of Her late Majesty Queen Victoria, Chaptered 90.

7. For the purposes of the two preceding sections or any Debentures. of them (but not in the event of the issue of "Street Railway Debentures"), the said Council may issue debentures, payable in this Province or elsewhere in sums of not less than \$100 each, which may be payable at any time within forty years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding four per cent. per annum, payable half-yearly, and, for the purpose of redeeming such debentures and paying the interest thereunder, the Council of the Corporation of the City of Toronto may, in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issue of debentures therefor, impose a rate per annum upon all rateable property in the said municipality over and above and in addition to all other rates to be levied in each year, which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

8. In determining the limit of the City's borrowing Limit of powers under *The City of Toronto Debt Consolidation Act, 1889*, the amount of the debt incurred for the cost of a plant to distribute electric power shall not be counted as part of the general debenture debt. city's debt.

9. The By-laws of the Corporation of the City of Toronto By-laws specified in Schedule "B" hereto, and all debentures issued validated or to be issued thereunder, and all assessments made or to be made, and rates levied or to be levied for the payment thereof, are hereby validated and confirmed.

Nothing herein contained shall affect the proceedings heretofore instituted by any property owner calling in question the validity of by-law No. 5,056, so far as the same affects the property of such property owner under the said by-law.

10. The lands vested in the Board of Education for the City of Toronto and described as:— Power to Board of Education to sell certain lands.

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Township of York, in the County of York, and Province of Ontario, (now in the City of Toronto), being composed of a part of Lot Number Thirty-five in the First Concession from the Bay of the said Township of York, and being more particularly known and described as follows, that is to say: Commencing on the north side of Howard Street in the eastern limit of Lot Number Thirty-five: thence south seventy-four degrees west along the north side of Howard Street

Street one chain to a stake planted: thence north sixteen degrees west five chains more or less to a stake planted: thence north seventy-four degrees east one chain to the fence on the eastern limit of Lot Thirty-five: thence south sixteen degrees east along the fence five chains more or less to the place of beginning; containing by admeasurement half an acre more or less, are declared to be and are hereby discharged and freed from the trust or limitation set forth in the hereinbefore recited Deed of Grant and may be sold or otherwise disposed of by the said Board of Education when no longer required by them for school purposes, and such part thereof as is required by the said City of Toronto for the purpose of extending Radford Street may be conveyed to it.

7 Edw. VII.,  
c. 95, s. 1  
amended.  
Building on  
Dufferin street  
closed.

11. Section 1 of the Act passed in the seventh year of His Majesty's reign, Chaptered 95, and intituled *An Act respecting the City of Toronto* is amended by striking out all the words between the word "that" in the eleventh line and the word "the" where it secondly occurs in the twelfth line thereof.

Massey Music  
Hall exemp-  
tion.

12. The premises in the said City known as Massey Music Hall shall be exempt from municipal taxation, including school and local improvement rates, so long as the same continue to be held by the trustees under the Trust Deed, dated 5th June, 1894, and used for the purposes therein set forth; it being also a condition of such exemption that during the period that the same shall continue the council of the said City may annually appoint the Mayor for the time being or a member of the Board of Control to represent the City on the Board of Trustees and that no member of the Board of Trustees shall receive any remuneration for any services rendered by him as a member of such Board.

Short title.

13. This Act may be cited as *The City of Toronto Act, 1909.*

## SCHEDULE "B".

No. of By-law.	Nature of work under By-law.	When passed by council.	Total cost of work.		Amount to be borne by city.		Amount to be borne by ratepayers.		Period of payment.	Rate of interest.
			\$	c.	\$	c.	\$	c.		
5029	Local Improvement Debentures to defray the ratepayers' share of the cost of cert in asphalt pavements constructed in the year 1907. ....	Jan. 27th, 1908	87,256	66	22,849	17	64,407	49	10	4
5030	Local Improvement Debentures to defray the ratepayers' share of the cost of certain bitulithic pavements constructed in the year 1907. ....	"	69,329	93	20,140	23	49,189	70	10	4
5031	Local Improvement Debentures to defray the ratepayers' share of the cost of certain sewers constructed in the year 1907. ....	"	1,100	31	280	59	879	72	10	4
5032	Local Improvement Debentures to defray the ratepayers' share of the cost of certain sewers constructed in the year 1907. ....	"	37,076	05	2,540	06	34,535	99	10	4
5033	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1907. ....	"	34,720	02	6,749	32	27,970	70	10	4
5034	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1907. ....	"	56,111	21	8,676	03	47,435	18	10	4
5049	Local Improvement Debentures to defray the ratepayers' share of the cost of certain bitulithic pavements constructed in the year 1907. ....	Feb. 10th, 1908	7,368	96	1,688	36	5,680	60	10	4
5050	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1907. ....	"	706	47	292	09	414	38	10	4
5051	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1907. ....	"	1,756	43	297	43	1,459	00	10	4
5052	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1907. ....	"	83,682	01	14,980	72	68,721	29	10	4
5053	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete curbs constructed in the year 1907. ....	"	10,080	86	2,083	07	8,017	79	10	4



## SCHEDULE "B."—Continued.

No. of By-law.	Nature of work under By-law.	When passed by council.	Total cost of work.		Amount to be borne by city.		Amount to be borne by ratepayers.		Period of Payment.	Rate of Interest.
			\$	c.	\$	c.	\$	c.		
5054	Concrete curbing on the south side of Ann Street, between Yonge Street and Mutual Street .....	Feb. 10th, 1908	643	71	78	21	565	50	5	4
5055	Local Improvement Debentures to defray the ratepayers' share of the cost of certain sewers constructed in the year 1907 .....	Feb. 24th, 1908	28,918	89	1,721	94	27,196	95	10	4
5056	Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1907 .....	"	53,544	55	12,880	65	40,663	90	10	4
5057	Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1907 .....	"	115,822	63	43,096	73	72,725	90	10	4
5058	Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1907 .....	"	195,957	48	53,163	68	142,793	80	10	4
5059	Local Improvement Debentures to defray the ratepayers' share of the cost of certain bitulithic pavements constructed in the year 1907 .....	"	79,914	12	25,680	32	54,233	80	10	4
5060	Local Improvement Debentures to defray the ratepayers' share of the cost of certain vitrified block pavements constructed in the year 1907 .....	"	60,324	49	22,008	29	38,316	20	10	4
5061	Local Improvement Debentures to defray the ratepayers' share of the cost of certain brick pavements constructed in the year 1907 .....	"	28,917	54	11,048	14	17,869	40	10	4
5062	Local Improvement Debentures to defray the ratepayers' share of the cost of certain tar macadam pavements constructed in the year 1907 .....	"	31,478	55	10,809	37	20,669	18	5	4
5063	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete pavements constructed in the year 1907 .....	"	6,674	37	1,483	97	5,190	40	10	4
5064	Local Improvement Debentures to defray the ratepayers' share of the cost of certain wood block pavements constructed in the year 1907 .....	"	16,021	35	5,263	55	10,757	80	10	4
5065	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete curbings constructed in the year 1907 .....	"	3,944	48	647	78	3,296	70	10	4
5066	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1907 .....	"	29,208	24	5,328	16	23,880	08	10	4
5067	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1907 .....	"	3,884	08	2,008	74	1,875	34	10	4
5068	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1907 .....	"	2,418	52	598	62	1,819	90	10	4



## SCHEDULE "B"—Continued.

No. of By-law.	Nature of work under by-laws.	When passed by council.	Total cost of work.		Amount to be borne by city.		Amount to be borne by ratepayers.		Period of Payment.	Rate of Interest.
			\$	c.	\$	c.	\$	c.		
5069	Concrete curbing on the north side of McMaster Avenue between Avenue Road at a point 316 feet 7 inches west.....	Feb. 24th, 1908	193	90	45	60	148	30	5	4
5070	Macadam pavement on Ossington Avenue between Bloor Street and the tracks of the Canadian Pacific Railway Co.....	"	17,168	10	3,945	80	13,222	30	5	4
5082	Local Improvement Debentures to defray the ratepayers' share of the cost of certain sewers constructed in the year 1907.....	Mar. 23rd, 1908	10,492	99	2,382	21	8,110	78	10	4
5083	Local Improvement Debentures to defray the ratepayers' share of the cost of certain sewers constructed in the year 1907.....	"	18,394	53	2,078	96	16,315	57	10	4
5084	Local Improvement Debentures to defray the ratepayers' share of the cost of certain sewers constructed in the year 1907.....	"	9,508	51	40	00	9,468	51	10	4
5085	Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1907.....	"	196,791	88	53,325	39	143,466	49	10	4
5086	Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1907.....	"	44,126	13	10,340	43	33,785	70	10	4
5087	Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1907.....	"	13,399	95	4,916	95	8,483	00	10	4
5088	Local Improvement Debentures to defray the ratepayers' share of the cost of certain bitulithic pavements constructed in the year 1907.....	"	5,994	47	2,524	37	3,470	10	10	4
5089	Local Improvement Debentures to defray the ratepayers' share of the cost of certain brick pavements constructed in the year 1907.....	"	24,700	78	9,351	98	15,348	80	10	4
5090	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1907.....	"	105,155	41	19,283	39	85,872	02	10	4
5091	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1907.....	"	12,335	35	3,255	76	9,079	59	10	4
5092	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1907.....	"	1,411	64	261	34	1,150	30	10	4
5093	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1907.....	"	702	75	283	35	419	40	10	4
5094	Asphalt block pavement on Albert Street, between Teraulay Street and James Street.....	"	4,493	57	2,681	07	1,812	50	10	4
5095	Granite block pavement on the first lane east of Simcoe Street, between Wellington Street and a point 305 feet south.....	"	2,647	07	415	27	2,231	80	10	4

## SCHEDULE "B."—Continued.

No. of by-law.	Nature of work under by-law.	When passed by council.	Total cost of work.		Amount to be borne by city.		Amount to be borne by ratepayers.		Period of payment.	Rate of Interest.
			\$	c.	\$	c.	\$	c.		
5096	Vitrified block pavement on Lake Street, between Yonge Street and the foot of the eastern ramp of the York Street Bridge.....	Mar. 23rd, 1908	13,073	57	11,464	57	1,609	00	10	4
5097	Bitulithic pavement on Castle Frank Avenue, between Hawthorne Avenue and Dale Avenue.....	"	7,513	96	1,854	69	5,659	27	10	4
5098	Brick pavement on Windsor Street, between Front Street and Wellington Street.....	"	3,345	22	1,348	22	1,997	00	10	4
5099	Macadam pavement on Hogarth Avenue, between Broadview Avenue and Logan Avenue.....	"	13,694	24	2,290	24	11,404	00	5	4
5100	Cedar block pavement on Gerrard Street, between River Street and the bridge.....	"	1,637	26	1,162	01	475	25	5	4
5101	Cedar block pavement on Pendrith Street, between Christie Street and a point 508 feet west.....	"	1,831	87	420	17	1,411	70	5	4
5102	Wood block pavement on Wellington Street, between Yonge Street and Bay Street.....	"	10,075	33	2,398	23	7,677	10	10	4
5103	Plank sidewalk on the south side of Eastern Avenue, between Morley Avenue and a point 400 feet west.....	"	171	61	.....	.....	171	61	3	4
5104	Grading on Grace Street between a point 1,494 feet north of College Street and a point 800 feet further north.....	"	990	27	.....	.....	990	27	5	4
5105	Opening and extension of Millicent Street from its present westerly terminus to Emerson Avenue.....	"	813	21	.....	.....	813	21	3	4
5106	Extension of Liberty Street from Fraser Avenue to Mowat Avenue.....	"	4,454	07	.....	.....	4,454	07	10	4
5107	Extension of Grandview Avenue from its present terminus westerly to Hampton Avenue.....	"	1,813	70	.....	.....	1,813	70	10	4
5108	Widening of Greenwoods Avenue from Queen Street northerly to the south limit of Gerrard Street.....	"	10,540	50	.....	.....	10,540	50	10	4
5109	Widening of Greenwoods Avenue from the north limit of Gerrard Street to the right of way of the Grand Trunk Railway Company.....	"	2,830	92	.....	.....	2,830	92	5	4
5110	Opening of a lane extending easterly from Bay Street, adjacent to the north boundary of the property of the National Club.....	"	8,014	75	.....	.....	8,014	75	10	4
5115	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete pavements constructed in the year 1907....	Apr. 13th, 1908	2,473	94	431	44	2,042	50	10	4

## SCHEDULE "B"—Continued.

No. of by-law.	Nature of work under by-law.	When passed by council.	Total cost of work.		Amount to be borne by city.		Amount to be borne by ratepayers.		Period of Payment.	Rate of Interest.
			\$	c.	\$	c.	\$	c.		
5116	Local Improvement Debentures to defray the ratepayers' share of the cost of certain macadam pavements constructed in the year 1907...	Apr. 13th, 1908	11,427	23	4,464	63	6,962	60	3	4
5117	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1907....	"	2,493	09	459	59	2,033	50	10	4
5118	Sewer on Reid Avenue, between Queen Street and the north city limits.....	"	591	18	80	00	511	18	10	4
5119	Macadam pavement on Rosedale Road, from Park Road northerly and easterly to Rosedale Road, running north to Crescent Road....	"	6,344	82	1,613	22	4,731	60	5	4
5120	Macadam pavement on Dupont Street, between Christie Street and a point 700 feet west.....	"	5,935	88	699	68	5,236	20	5	4
5121	Brick sidewalk on the south side of Crescent Road, between Yonge Street and a point 705 feet east.....	"	703	60	375	80	327	80	10	4
5122	Opening of a street, extending from St. Helens Avenue easterly to Lansdowne Avenue.....	"	2,991	63	.....	.....	2,991	63	5	4
5123	Extension of Wickson Avenue westerly to the production northerly of the west limit of Oaklands Avenue.....	"	3,299	33	.....	.....	3,299	33	10	4
5124	Widening of Carling Avenue.....	"	1,147	12	.....	.....	1,147	12	10	4
5139	General Consolidated Loan Debentures for purchasing parks and playgrounds and making permanent improvements thereon.....	May 11th, 1908	206,089	00	206,089	00	.....	.....	36	4
5140	Widening of Orford Avenue to a uniform width of 38 feet throughout	"	2,015	71	255	00	1,760	71	10	4
5147	General Consolidated Loan Debentures for making grants to certain Hospitals for Consumptives.....	May 26th, 1908	50,000	00	50,000	00	.....	.....	40	4
5148	Local Improvement Debentures consolidating broken amounts being the ratepayers' share named in certain local improvement by-laws.	"	1,071,061	63	.....	.....	1,071,061	63	vari-	4
5149	Local Improvement Debentures consolidating the City's proportion of the amounts named in certain local improvement by-laws.....	"	367,640	90	367,640	90	.....	.....	ous vari-	4
5166	General Consolidated Loan Debentures for constructing Waterworks Filtration Plant on the island.....	July 14th, 1908	750,000	00	750,000	00	.....	.....	ous	4
5167	General Consolidated Loan Debentures for defraying cost of Intercepting sewers and Sewage Disposal Plant.....	"	2,400,000	00	2,400,000	00	.....	.....	40	4

## SCHEDULE "B"—Concluded.

No. of by-law.	Nature of work under by-law.	When passed by council.	Total cost of work.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of Payment.	Rate of Interest.
5190	General Consolidated Loan Debentures for constructing, re-constructing and enlarging certain Public Schools and purchasing and enlarging School Sites.	Oct. 12th, 1908	356,975 00	356,975 00	.....	40	4
5191	General Consolidated Loan Debentures for enlarging and improving certain High School Buildings and procuring a site for a new St. High School.	"	148,000 00	148,000 00	.....	40	4
5197	Street Railway Debentures for constructing, repairing and renewing pavements upon portions of streets occupied by right of way of Toronto Railway Company.	Oct. 29th, 1908	422,396 37	422,396 37	.....	10	4
5203	Amending By-law No. 5197 respecting Street Railway Debentures.	Nov. 10th, 1908	.....	.....	.....	.....	.....

## CHAPTER 126.

## An Act respecting the Town of Trenton.

*Assented to 13th April, 1909.*

**W**HEREAS the Municipal Corporation of the Town of Preamble.  
Trenton (hereinafter called the Corporation) has  
by its petition represented;

(a) That under the powers conferred by the Act, passed in the 48th year of Her late Majesty's reign, Chaptered 74, the Corporation did erect a dam on the River Trent within the limits of the said town for the purpose of developing the water power of the said river and such power has been developed and has proved of great benefit to the said town. (b) That the Government of the Dominion of Canada are about to erect a dam (to be called Dam No. 1) of a more substantial and permanent character on the said river at the place where the petitioners erected their said dam (which will thus be superseded) and the petitioners have arranged with that Government for the continuance to the petitioners, and those in the same interests with them, in the present supply of water from the existing dam, of a supply of water for the like purpose from such Dam No. 1 when erected. (c) That the Government of the Dominion of Canada are also about to erect, at a point further up the river, but still within the limits of the Town of Trenton, a dam to be called Dam No. 2, and there will be available therefrom water power to a large amount which can be used to advantage by the petitioners for generating electricity, and the petitioners are arranging with the Government of the Dominion of Canada for leasing from them such water power for the purpose of being so used, and it will be necessary for the development thereof that the petitioners should have power to acquire lands and to erect power houses and instal wheels and electrical machinery and to construct a distributing plant for the purpose of utilizing the water power from the said Dam No. 2 as well as in Dam No. 1; and whereas the said Corporation has prayed that it may be granted all necessary powers for the said purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to acquire lands, etc., for development of water power.

1. The said Corporation shall have power to acquire by purchase or lease from riparian owners and others lands contiguous to the River Trent, within the corporate limits of the said town, and to hold and enjoy the same, or any part thereof, for the purpose of developing the water power of the said river from Dams Nos. 1 and 2 about to be constructed by the Government of the Dominion of Canada.

Authority to lease from Dominion Government, etc.

2. The said Corporation shall have power to lease from the Government of the Dominion of Canada, water to be drawn from Dams Nos. 1 and 2, which are about to be constructed by the Government of the Dominion of Canada, and to use the same for the purpose of generating power by electricity or otherwise, and shall also have power to construct one or more power houses, at or near each of the said dams, and to instal wheels and electrical machinery and construct a plant for the purpose of distributing electricity with all necessary appliances for the purpose of developing electrical power or energy for light, heating and power purposes, for use within the said Town of Trenton.

Employment of engineers, surveyors, etc.

3. The said Corporation shall have power to employ engineers, surveyors and such other persons, and to rent, with such conditions, covenants and stipulations as the said Corporation shall deem requisite or necessary, or purchase, at the option of the Corporation, such lands, buildings, materials and privileges as in their opinion may be necessary to enable them to fulfil their duties, and exercise and enjoy their rights and privileges in that behalf under this Act.

Acquiring necessary lands, etc.

4. The said Corporation may acquire such lands as any engineer, surveyor, or other person authorized in this behalf by the said Corporation shall judge suitable or expedient and proper for said purpose, and may contract with the owner or occupier of the said lands and those having a right or interest in the said lands for the purchase or the releasing thereof, or of any part thereof, or of any privilege that may be required for the purposes of creating and enjoying such water power as aforesaid.

Power to borrow \$115,000 for development of water powers, etc.

5. Subject to section 8, the said Corporation shall have power to pass a by-law or by-laws for raising a sum not exceeding \$115,000, by the issue of debentures, payable in not more than 30 years, and bearing interest at a rate not

exceeding

exceeding 5 per cent., subject to and in accordance with the provisions of *The Consolidated Municipal Act, 1903*, and amendments thereof, for the purpose of purchasing or renting such lands and constructing and installing such power houses, wheels and electrical machinery and plant and developing the said water power.

6. A portion of the debentures to be issued under this Act shall be made payable each year for a period not exceeding thirty years from the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Term of debentures.

7. The said Corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called the "New Power Debenture Rate" and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Special rate.

8. No by-law shall be finally passed under section 5 until the same has been submitted to and approved of by the ratepayers qualified to vote on by-laws for the creation of debts in accordance with the provisions of *The Consolidated Municipal Act, 1903*.

Assent of rate-payers required.

9. The said Corporation may also sell, lease, furnish or supply beyond the limits of the said town so much electrical power or energy as is not required for use in the said town, upon such terms and conditions and within such territorial limits and at such prices as may be fixed and determined by the Hydro-Electric Power Commission of Ontario.

Sale of surplus power.

10. The provisions of section 22 of *The Power Commission Act* shall *mutatis mutandis* apply to any electrical power or energy developed by the said Corporation under the provisions of this Act.

Application of 7 Edw. VII., c. 19, s. 22.

11. The works authorized by the preceding section shall not be commenced by the said Corporation until the location thereof, together with the plans, specifications and estimates thereof have been approved by the Hydro-Electric Power Commission of Ontario, hereinafter called "The Commission."

Plans and specifications to be approved by Hydro-Electric Power Commission.

12. No contract for the construction of any of the said works or for the supply of material shall be executed

Contracts to be approved by Commission.

OR

or entered into by or be binding upon the Corporation or any other party thereto until the approval of the Commission has been endorsed thereon in writing, signed by the Chairman of the Commission.

Engineer of  
Commission to  
have access to  
works.

13. The engineer of the Commission or any other officer appointed by the Commission for that purpose shall at all times have access to any of the works undertaken by the Corporation under this Act while such works are in the course of construction, and the Corporation shall at all times obey any direction of the Commission as to the manner of such construction and the materials to be used therein.



## CHAPTER 127.

## An Act respecting the Village of West Lorne.

*Assented to 13th April, 1909.*

**W**HEREAS the Council of the Incorporated Village of West Lorne has by petition represented that owing to the greater part of the area now comprising the said village having prior to the incorporation of the said village formed a part of the former Police Village of West Lorne, doubts have arisen as to the validity of by-law No. 723 of the County Council of the County of Elgin incorporating said village whereby the corporate actions and status of the village are liable to be called into question; and whereas the said Council further show that it is questionable if their by-law No. 34 to complete the proceedings begun by the Board of Police Trustees of the former Police Village of West Lorne, for the construction of certain local improvements as shown in said by-law by issuing debentures to pay for the cost thereof and imposing rates for the payment of such debentures is valid owing to the fact that the petitions for said local improvements were presented and addressed to said Board and the works constructed thereby and the Court of Revision of said assessments held by said Board; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 723 of the County Council of the County of Elgin set out in Schedule "A" hereto is confirmed and declared to be legal, valid and binding and all by-laws, actions, matters, things and contracts done, passed or entered into by the Corporation of the Village of West Lorne and the Council thereof, otherwise legal and within the power of the Council of an incorporated village to do, pass or enter into are hereby confirmed and declared to be as legal, valid and binding as if the said by-law No. 723 of the County Council of the County of Elgin, had been validated

By-law 723 in  
Schedule "A"  
confirmed.

validated and confirmed, as herein, immediately on the said by-law being passed by the said County Council of the County of Elgin.

By-Law No. 34  
confirmed.

2. By-law No. 34 of the Corporation of the Village of West Lorne passed on the 18th day of December, 1908, intituled By-law No. 34, to provide for borrowing money by the issue of debentures secured partly by local special rates and partly by special rates on all the rateable property in the Village of West Lorne to pay for the construction of cement sidewalks on

- (a) The west side of Graham Street between Chestnut Street and the old School House property;
- (b) The south side of Chestnut Street from the east limit of Graham Street to the east limit of Lot 7 in Block 2, Plan 155.
- (c) The east side of Graham Street from the north limit of Jessie Street to the south limit of Chestnut Street;

together with all debentures to be issued thereunder and also all rates, levies and assessments by said by-law and the schedule thereto made for payment thereof (which schedule is as set out in Schedule "B" hereto) are confirmed and declared to be legal, valid and binding on the said Corporation and on the ratepayers thereof.

Authority to  
levy and  
collect special  
rates under  
certain by-laws  
passed by  
Board of Police  
Trustees.

3. The Corporation of the Village of West Lorne shall have power and shall levy and collect the several special rates and assessments imposed by by-laws Nos. 9, 10 and 11 of the late Board of Police Trustees of the Police Village of West Lorne as set out in Schedule "A" to the Act passed in the sixth year of His Majesty's reign, Chaptered 104, and shall pay the several debentures issued by the said Board under the provisions of by-law No. 12 of the said Board also set out in the said schedule.

#### SCHEDULE "A."

BY-LAW No. 723, TO INCORPORATE THE VILLAGE OF WEST LORNE.

Passed 21st December, 1907.

Whereas a petition by not less than one hundred resident freeholders and tenants of the unincorporated Village of West Lorne and neighbourhood, in the Township of Aldborough, of whom not fewer than one-half were freeholders, was lodged with the clerk of the County of Elgin, on the 13th day of November, 1907, praying for the incorporation of the said unincorporated village and neighbourhood;

And whereas on the 22nd day of November, By-law No. 722 was passed by the County Council of the County of Elgin, appointing Walker Caughell, of the Township of Yarmouth, to make a return of the census of the said unincorporated village and neighbourhood; and whereas the said Walker Caughell has made his census return,

showing

showing that the said unincorporated village and its immediate neighbourhood contains over seven hundred and fifty inhabitants;

And whereas public notice was published once a week for two successive weeks in the "Elgin Sun," a newspaper published in the said Village of West Lorne, on the 5th and 12th days of December, 1907, such notice setting forth a description of the area intended to be embraced in the said village, and date when the county council would meet to consider a by-law to incorporate the village;

And whereas the area intended to be embraced in the said village does not extend over or occupy an area of more than five hundred acres of land;

The county council enacts:—

1. That the unincorporated Village of West Lorne and its immediate neighbourhood be and are hereby erected into an incorporated village, apart from the Township of Aldborough, in which the same are situate, under the name of the Village of West Lorne, and with the boundaries and limits which may be more particularly described as follows:—

(a) The north half of Lot Number 19, in the 9th Concession of Aldborough, 100 acres.

(b) The south half of Lot Number 18, in the 8th Concession of Aldborough, 100 acres.

(c) The north half of Lot Number 18, in the 9th Concession of Aldborough, 100 acres.

(d) That part of the south half of Lot 19, in the 8th Concession of Aldborough, described as follows:—Beginning at the south-easterly angle of said Lot 19, in the 8th Concession of Aldborough; then northerly on the limit between Lots 19 and 20 in the said 8th Concession, to the northerly boundary of the right of way of the Canadian Southern Railway Company; thence westerly along the said northern boundary of the Canadian Southern Railway Company's property to the centre line dividing the easterly and westerly halves of said Lot Number 19; thence northerly along said centre line to the centre line dividing the northerly and southerly halves of said Lot Number 19; thence westerly along said last mentioned centre line to the west limit of said Lot Number 19; thence southerly along said west limit of Lot 19 to the southwest angle of said lot; thence easterly along the southerly limit of said Lot 19 to the place of beginning, 58 acres.

(e) That part of the east quarter of Lot 17, in the 8th Concession of Aldborough, described as follows:—Beginning at the southeast angle of said Lot 17; thence westerly along the southerly limit of said Lot 17, a distance of thirty rods; thence northerly at right angles to said southerly limit to the northerly limit of the right of way of the Canada Southern Railway Company; thence easterly along the northerly limit of said railway company's right of way to the easterly limit of said Lot Number 17; thence southerly along the said easterly limit of said Lot 17 to the place of beginning, 10 acres.

(f) The northeasterly half of the northeast quarter of Lot Number 17, in the 9th Concession of Aldborough, 25 acres.

(g) The southeast quarter of Lot Number 18, in the 9th Concession of Aldborough, 50 acres.

(h) The southwest quarter of Lot 19, in the 9th Concession of Aldborough, 50 acres.

2. That the first election of reeve and councillors for the said Corporation of the Village of West Lorne shall be held in the Town Hall, in the said village, on the first Monday in January, 1908.

3. That John Chaseley shall be returning officer to hold the first election for the said village.

County Council Chambers, St. Thomas, 21st December, 1907.

W. TOLMIE,

Warden.

K. W. MCKAY,

County Clerk.

Certified a true copy.

(Seal). K. W. MCKAY,  
Clerk.

## SCHEDULE "B"

Schedule to By-law.

Scheme.	No.	Assessed Owner.	Lot.	Blk.	Plan.	Feet Ftge.	40 % Total Cost.	Paid.	Yearly Rate.	Total.
1	1	D. D. Gillies.....	67	....	199	66	11 88	11 88	.....	
1	2	Duncan McKillop...	68	....	199	198	35 64	.....	4 62	
1	3	A. Wiley.....	69	....	199	96	17 28	17 28	.....	
1	4	E. R. Mogg.....	70	....	199	129	23 22	.....	3 00	
1	5	D. M. Leitch.....	71	....	199	132	23 76	.....	3 10	
1	6	M. D. Mehring.....	72 73	} ..	199	71	12 78	.....	1 66	
1	7	G. Atkinson.....	74	....	199	63	11 34	.....	1 47	
1	8	W. Ollett.....	75	....	199	56	10 08	.....	1 31	
1	9	Jas. Holland.....	78	....	199	132	23 76	.....	3 10	
1	10	Daniel McKillop...	80	....	199	158½	28 53	.....	3 67	
1	11	J. A. McKillop.....	81	....	199	153½	27 63	.....	3 62	
1	12	John Roach.....	82	....	199	210	37 80	.....	4 90	
1	13	A. McKillop.....	83	....	199	300	54 00	.....	7 00	
							\$317 70	29 16	37 46	\$37 46
2	14	N. E. Skinner.....	1	2	155	132	19 00	.....	2 46	
2	15	John Burger.....	3	2	155	66	9 50	9 50	.....	
2	16	David Frick.....	4	2	155	66	9 50	9 50	.....	
2	17	Rebecca A. Gillett ..	5	2	155	66	9 50	9 50	.....	
2	18	Mrs. Welsh.....	6	2	155	66	9 50	.....	1 32	
2	19	Henry Smock.....	7	2	155	66	9 50	9 50	.....	
							\$66 50	38 00	3 78	3 78
3	20	N. E. Skinner.....	1	2	155	66	12 67	.....	1 74	
3	21	John Burger.....	2	2	155	66	12 67	12 67	.....	
3	22	Mrs. Dewar.....	15	2	155	66	12 67	12 67	.....	
3	23	M. McIntyre.....	16	2	155	66	12 67	12 67	.....	
							\$50 68	38 01	1 74	1 74
		40% total on Property Holders..								\$42 98

60% payable by Village

1	.....	\$476 55	61 72	
2	.....	99 82	12 39	
3	.....	76 04	9 84	
		\$652 51		83 95
	Total to be raised yearly.....			\$126 93

TOTAL AMOUNT TO BE RAISED.

For Scheme 1,	Ratepayers.....	\$317 70		
	Village.....	476 55		
"	2, Ratepayers.....	66 50		
	Village.....	99 82		
"	3, Ratepayers.....	50 68		
	Village.....	76 04		
	Less paid:			1,087 29
"	1, By Ratepayers.....	29 16		
"	2, " ".....	38 00		
"	3, " ".....	38 01		

1,087 29

105 17

Total of Loan.....

\$982 12

CHAPTER

## CHAPTER 128.

## An Act respecting the Township of York.

*Assented to 13th April, 1909.*

## Preamble.

WHEREAS the Municipal Corporation of the Township of York has by petition prayed for special Legislation in the following matter; and whereas a large number of ratepayers of the Township of York, residing north and north-easterly from that portion of the City of Toronto lying east of Yonge Street, have for many years past from time to time made application to the Municipal Council of the Township of York for the opening of a highway from Merton street, which is the boundary line between the Town of North Toronto and that portion of the Township of York lying south of said Merton Street and between Yonge street and Bay View Avenue southerly to connect with some convenient highway or highways leading from the south side of Mount Pleasant Cemetery to the City of Toronto; and whereas the only access which the aforesaid ratepayers have to and from the City of Toronto is by Yonge Street or by a highway which is known as Bay View Avenue, the distance between the two said highways being one and one-quarter miles from Yonge Street; and whereas the highway applied for is an absolute necessity for the convenience of the ratepayers aforesaid; and whereas the property of the Toronto General Burying Grounds Trustees, known as Mount Pleasant Cemetery and extending from Yonge Street easterly to Bay View Avenue east of Yonge Street lies in the way of the proposed highway; and whereas from time to time within the past few years negotiations have been carried on between the Council of the Township of York and the Toronto General Burying Grounds Trustees with a view to agreeing upon a line of highway which would be suitable to all parties; and whereas no such arrangement has been as yet arrived at; and whereas it is expedient that the Municipality of the Township of York shall be authorized and empowered to purchase, expropriate or otherwise acquire from the Toronto General Burying Grounds Trustees sufficient lands for the purpose of opening up the said highway; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Corporation of the Township of York is hereby authorized within one year after the passing of this Act to purchase, or expropriate the following lands for the purpose of a public highway; All and singular these certain parcels or tracts of land and premises situate, lying and being in the Township of York in the County of York, being composed of Lot Number 28, of registered Plan Number 895, part of a reserve to the north of said Lot Number 28, part of Township Lot Number 19 in the 3rd Concession from the Ba- and parts of Lots Numbers 147 and 148 of registered Plan Number M. 5, containing by admeasurement  $2\frac{1}{2}$  acres, more or less, and is more particularly described by the centre line as follows: Commencing at the south-west angle of said Lot Number 28 of said Plan Number 895; thence easterly along the southerly limit of said Lot Number 28, 33 feet to the said centre line; thence north 11 degrees and 30 minutes, west along said centre line, parallel to the westerly limit of said Lot Number 28, 145 feet to a fence for the southerly limit of said Township Lot Number 19; thence north 11 degrees and 10 minutes, west along said centre line 1,363 feet to the south-west angle of said Lot Number 147 of said Plan M. 5, thence north 11 degrees, west along said centre line (being line between said lots Numbers 147 and 148 of Plan Number M. 5) 172 feet to the southerly limit of Merton Street; the north of said parcel herein described being 33 feet on each side of said centre line. Excepting therefrom the right of way of the Belt Line Railway across said parcel herein described. All courses magnetic of January 6th, 1909.

2. The said Corporation of the Township of York shall within the said one year pay to the trustees of the Toronto General Burying Grounds due compensation for the lands so purchased, or expropriated, and for any damages (including the cost of fencing) necessarily resulting from the exercise of the rights hereby conferred, the amount of said compensation and damages (if the parties disagree as to same) to be determined by arbitration under the provisions of *The Consolidated Municipal Act, 1903*. In fixing the compensation to be awarded to the said the trustees of the Toronto General Burying Ground the arbitrators shall take into account the fact that the said the trustees of the Toronto General Burying Ground are and should be entitled to a sufficient number of proper and convenient

venient roadway crossings over the said highway for the purpose of enabling the said the trustees of the Toronto General Burying Ground to have convenient access to and from the lands on each side of the said highway.

Plan showing  
grades.

3. With any notice of intention to purchase or expropriate the said lands, the said Township shall deliver to the trustees of The Toronto General Burying Grounds a surveyor's plan showing the profiles and grades of the proposed highway.

Power to  
borrow.

4. The said Corporation may borrow by the issue of debentures such sum or sums as may be necessary to pay the purchase money of the said lands and cover all costs or other expenses incidental to the expropriation and opening up of the highway, such debentures to be payable within such time as the council may deem expedient, but not to exceed twenty years.



## CHAPTER 129.

## An Act to incorporate The Belleville Radial Railway Company.

*Assented to 13th April, 1909.*

WHEREAS, William Bleecker Deacon, Manufacturer; Preamble.  
John Elliott, Bank Manager; Henry Freeman Ketcheson, Agent; James Gray Lindsay, Civil Engineer; Arthur McGie, Merchant, and Wilson Saunders Morden, Barrister-at-law, all of the City of Belleville in the County of Hastings, have by their petition prayed for an Act of incorporation under the name of "The Belleville Radial Railway Company" for the purpose of constructing and operating by electricity or other motive power, except steam, a railway in the said City of Belleville, and from some point in the said City of Belleville easterly through the Township of Thurlow in said County of Hastings and through the southerly portion of said Township of Thurlow, known as Point Ann, and through the Township of Tyendinaga in said County of Hastings to or near the unincorporated Village of Shannonville in the said Township of Tyendinaga in said County of Hastings; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said William Bleecker Deacon, John Elliott, Incorporation. Henry Freeman Ketcheson, James Gray Lindsay, Arthur McGie and Wilson Saunders Morden and such other persons and corporations as shall hereafter become shareholders in the said Company are hereby constituted a body corporate and politic under the name of "The Belleville Radial Railway Company" hereinafter called the "Company."

2. The Company is authorized and empowered to survey, Location of lay out, construct, complete, equip and maintain a rail-line. way

way to be operated by electricity or other motive power except steam, in the City of Belleville in the County of Hastings and from some point in said City of Belleville easterly through the Township of Thurlow in said County of Hastings and through the southerly portion of said Township of Thurlow, known as Point Ann, and through the Township of Tyendinaga in said County of Hastings to or near the unincorporated Village of Shannonville in said Township of Tyendinaga in said County of Hastings.

Provisional  
directors.

3. The said William Bleecker Deacon, John Elliott, Henry Freeman Ketcheson, James Gray Lindsay, Arthur McGie and Wilson Saunders Morden are hereby constituted the provisional directors of the Company.

Capital stock.

4. The capital stock of the Company shall be \$250,000.

Head office.

5. The head office of the Company shall be at the City of Belleville in the County of Hastings.

Number of  
directors.

6. The number of directors of the Company shall not be less than five nor more than nine persons.

Bonds.

7. The Company may issue bonds, debentures or other securities to the extent of \$20,000 per mile of the railway constructed or under contract to be constructed.

Application of  
6 Edw. VII.,  
c. 30.

8. The provisions of *The Ontario Railway Act, 1906*, applicable to railways to be operated by electricity shall apply to the Company and the railway to be constructed by it.

## CHAPTER 130.

## An Act respecting The Canada Central Railway Company.

*Assented to 13th April, 1909.*

WHEREAS The Canada Central Railway Company has Preamble.  
by petition set forth that, by an Act passed in the second year of the reign of His Majesty, Chaptered 69, intituled "An Act to incorporate The Canada Central Railway Company," the time for the commencement of the said railway was fixed at three years, and the time for completion at seven years, from the date of the said Act; and whereas by an Act passed in the third year of the reign of His Majesty, Chaptered 92, intituled "An Act to amend the Act incorporating The Canada Central Railway Company," the said Company was authorized to lay out, construct and operate the lines of railway therein mentioned; and whereas by an Act passed in the fifth year of the reign of His Majesty, Chaptered 90, intituled "An Act respecting The Canada Central Railway Company," the said Company was authorized to construct and operate lines of railway in addition to those it was already authorized to lay out, construct and operate; and whereas the respective times fixed by said Act of Incorporation for the commencement of said railway, and the completion thereof, were changed by the said last mentioned amending Act, which provided for the commencement of construction within one year and for completion of the said railway within three years, from the date of said amending Act, and thereby reduced by one year the time fixed for the said completion; and whereas large sums of money have been expended in connection with the commencement and construction of the said lines of railway; and whereas by an Act passed in the eighth year of the reign of His Majesty, Chaptered 122, intituled "An Act respecting The Canada Central Railway Company," it was provided that the said Company should prove to the satisfaction of the Ontario Railway and Municipal Board on or before the 15th day of August, 1908, that the said Company had expended, or had made satisfactory arrangements to expend,

a sufficient sum of money on the construction of the line of the said Company's railway from Sudbury to Little Current as should make it manifest to the said Board that the said Company would complete the said railway from Sudbury to Little Current within the time limited by the said Act, and that subject to the said provisions the respective times for completion of the said Company's railway, and of the part thereof between Sudbury and Little Current, should be extended as therein provided; and whereas owing to the financial stringency and to other causes, the said Company has been unable to comply with the provisions of the said last mentioned Act; and whereas it is necessary that the time for the completion of the said Company's railway and of the part thereof between Sudbury and Little Current should be extended, subject to the provisions hereinafter contained; and whereas the said Company has by its said petition prayed that an Act may be passed for the purposes set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for commencement and completion. Conditions of extension.

1. The construction of the line of the said Company's railway from Sudbury to Little Current shall be commenced not later than the 1st day of July, 1909, and on or before the said date the said Company shall prove to the satisfaction of The Ontario Railway and Municipal Board that it has made satisfactory arrangements fully to complete the said line and after the said 1st day of July, 1909, the said Company shall expend in actual construction of the said line of the Company's railway at least twenty-five thousand dollars (\$25,000) each month until the construction of the said line is completed, of which expenditure at least one-half shall be expended on the southwesterly part thereof extending northeasterly from Little Current; provided always that the said line shall be fully completed by the 1st day of July, 1911.

8 Edw. VII, c. 122, ss. 1, 2 and 3 repealed.

2. Sections one, two and three of the Act passed in the eighth year of His Majesty's reign, Chaptered 122, are hereby repealed.

5 Edw. VII, c. 90, ss. 2 and 12 repealed.

3. Sections two and twelve of the Act passed in the fifth year of His Majesty's reign, Chaptered 90, are hereby repealed.

Rights not affected by noncompliance with Act.

4. None of the rights granted to the Company by the aforesaid Acts or by this Act shall be deemed to have been forfeited by reason of the non-compliance by the Company with the provisions of section 1 of the said Act, passed in the eighth year of His Majesty's reign, Chaptered 122.

CHAPTER

## CHAPTER 131.

An Act to incorporate The Cobourg, Port Hope and  
Havelock Electric Railway Company.*Assented to 13th April, 1909.*

**W**HEREAS William J. Crossen, of the Town of Cobourg, in the County of Northumberland, Car Manufacturer; Bernard McAllister, of the Town of Cobourg aforesaid, Capitalist; Hiram T. Bush, of the Town of Port Hope, in the County of Durham, Manufacturer; Joseph Knox, of the Village of Havelock, in the County of Peterborough, Contractor; Thomas Clark Lapp, of the said Town of Cobourg, Physician; Henry Alfred Ward, of the Town of Port Hope aforesaid, one of His Majesty's Counsel learned in the law, and Edward C. S. Huycke, of the Town of Cobourg aforesaid, one of His Majesty's Counsel learned in the law, have by their petition prayed for an Act of Incorporation under the name of "The Cobourg, Port Hope and Havelock Electric Railway Company" for the purpose of constructing and operating an electric railway from some point in or near the Town of Port Hope, in the County of Durham, to a point in or near the Town of Cobourg in the County of Northumberland, to a point in or near the Village of Havelock in the Township of Belmont in the County of Peterborough, passing through the Township of Hope in the County of Durham, the Townships of Hamilton, Haldimand, Percy and Seymour in the said County of Northumberland, the Townships of Belmont and Methuen in the said County of Peterborough, and in its course through the said townships passing through or touching any or all of the various towns and villages lying in its route; with power to build a branch line from a point in or near the said Town of Cobourg to a point in or near the Village of Gore's Landing at Rice Lake in the said Township of Hamilton, and connected with the main line passing through the said Township of Hamilton, and in its course through the said Township passing through or touching any or all the various villages lying in its route; a branch line from the Village of Warkworth in the said Township of Percy to the Village of Hastings in the County

County of Northumberland; and a branch line from the said Village of Havelock to the Village of Marmora in the Township of Marmora in the County of Hastings, passing through the Villages of Blairton and Cordova in the said Township of Belmont; and with power to issue bonds to the extent of \$20,000 per mile of railroad; and with power to acquire, erect and operate sanitariums in connection with the said railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Incorporation.** 1. The said William J. Crossen, Bernard McAllister, Hiram T. Bush, Joseph Knox, Thomas Clark Lapp, Henry Alfred Ward and Edward C. S. Huycke, and such other persons and corporations as shall hereafter become shareholders in the said Company are hereby constituted a body corporate and politic under the name of "The Cobourg, Port Hope and Havelock Electric Railway Company."

**Location of line.**

2. The said Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway, to be operated by electricity from some point in or near the Town of Port Hope in the County of Durham, to a point in or near the Town of Cobourg in the County of Northumberland, to a point in or near the Village of Havelock, in the Township of Belmont in the County of Peterborough, passing through the Township of Hope in the County of Durham, the Townships of Hamilton, Haldimand, Percy and Seymour in the said County of Northumberland, the Townships of Belmont and Methuen in the said County of Peterborough, and in its course through the said townships passing through or touching any or all of the various towns and villages lying in its route; with power to build a branch line from a point in or near the said Town of Cobourg to a point in or near the Village of Gore's Landing at Rice Lake in the said Township of Hamilton, and connected with the main line passing through the said Township of Hamilton and in its course through the said township passing through or touching any or all the various villages lying in its route; a branch line from the Village of Warkworth in the said Township of Percy to the Village of Hastings in the County of Northumberland; and a branch line from the said Village of Havelock, to the Village of Marmora in the Township of Marmora in the County of Hastings, passing through the Villages of Blairton and Cordova in the said Township of Belmont.

3.

3. The said William J. Crossen, Bernard McAllister, Provisional  
Hiram T. Bush, Joseph Knox, Thomas Clark Lapp, Henry directors.  
Alfred Ward and Edward C. S. Huycke are constituted  
provisional directors of the Company.

4. The capital stock of the Company hereby incorporated Capital stock.  
shall be \$250,000.

5. The Company may issue bonds, debentures or other Bonding  
securities to the extent of \$20,000 per mile of railway con- powers.  
structed or under contract to be constructed.

6. The board of directors of the Company shall consist Board of  
of not less than five nor more than eleven persons. Directors.

7. The head office of the said Company shall be at the Head office.  
Town of Cobourg in the County of Northumberland.

8. The Company may purchase land for and may erect, Sanitariums.  
maintain and operate sanitariums in connection with the  
said railway at any point along its route or on the line of  
its branches as aforesaid.

9. The provisions of *The Ontario Railway Act, 1906*, Application of  
so far as they apply to railways to be operated by elec- 6 Edw. VII.,  
tricity, shall apply to the said Company and the railway c. 30.  
to be constructed by it.

## CHAPTER 132.

## An Act to incorporate The Cobourg Radial Railway Company.

*Assented to 13th April, 1909.*

Preamble.

WHEREAS Frank William Coolbaugh, of the City of Philadelphia, in the State of Pennsylvania, United States of America, Manufacturer; Ronald Gilbert Coolbaugh, of the same place, Manufacturer; James Estep Skidmore, of the Town of Cobourg, in the County of Northumberland, in the Province of Ontario, Electrician; Alfred Leroy Jex, of the same place, Contractor; George Greer, of the same place, Livèryman; Neil Ferguson Mac-Nachtan, of the same place, Counties' Clerk and Treasurer, and David Ewing, of the same place, Agent, have by their petition prayed for incorporation under the name of "The Cobourg Radial Railway Company," for the purpose of constructing and operating by electricity, or other motive power, except steam, a railway from some point in or near the Town of Cobourg, in the County of Northumberland, to the City of Peterborough, in the County of Peterborough, passing through the Townships of Hamilton, South Monaghan and North Monaghan, Otonabee, and the Villages of Coldsprings, Plainville and Bewdley in the said Township of Hamilton, Bailieboro and Centreville in the said Township of South Monaghan and the City of Peterborough in the said County of Peterborough and touching or passing through all other villages lying in its route, with power to build a branch line from or near the Villages of Coldsprings or Bewdley in the said Township of Hamilton to the Villages of Gore's Landing, Harwood, Baltimore and Roseneath in the said County of Northumberland, passing through the said Township of Hamilton and the Township of Alnwick in the said County of Northumberland; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—



1. The said Frank William Coolbaugh, Ronald Gilbert Incorporation. Coolbaugh, James Estep Skidmore, Alfred Leroy Jex, George Greer, Neil Ferguson MacNachtan, and David Ewing, and such other persons, firms and corporations as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic under the name of "The Cobourg Radial Railway Company."

2. The Company may survey, lay out, construct, equip, Location of line. maintain and operate by electricity or other motive power, except steam, a railway from some point in or near the Town of Cobourg in the County of Northumberland, to the City of Peterborough, in the County of Peterborough, passing through the Townships of Hamilton, South Monaghan and North Monaghan, Otonabee and the Villages of Coldsprings, Plainville and Bewdley in the said Township of Hamilton, Bailieboro and Centreville in the said Township of South Monaghan, and the City of Peterborough in the said County of Peterborough, and touching or passing through all other Villages lying in its route, with power to build a branch line from or near the Villages of Coldsprings or Bewdley in the said Township of Hamilton, to the Villages of Gore's Landing, Harwood, Baltimore and Roseneath in the said County of Northumberland, passing through the said Township of Hamilton and the Township of Alnwick in the said County of Northumberland.

3. The capital stock of the Company shall be \$40,000. Capital stock.

4. The said Frank William Coolbaugh, Ronald Gilbert Provisional directors. Coolbaugh, James Estep Skidmore, Alfred Leroy Jex, George Greer, Neil Ferguson MacNachtan and David Ewing shall be the provisional directors of the Company.

5. The head office of the Company shall be at the Town Head office. of Cobourg in the County of Northumberland.

6. The number of directors shall not be less than five Number of directors. and not more than nine.

7. The Company may issue bonds, debentures or other Bonding powers. securities to the extent of \$20,000 per mile of railway constructed or under contract to be constructed.

8. The provisions of *The Ontario Railway Act, 1906*, in Application of 6 Edw. VII., c 30. so far as they apply to railways operated by electricity, shall apply to the Company and the railway to be constructed by it.

## CHAPTER 133.

## An Act respecting The Dunnville, Wellandport and Beamsville Electric Railway Company.

*Assented to 13th April, 1909.*

## Preamble.

WHEREAS The Dunnville, Wellandport and Beamsville Electric Railway Company has by petition represented that the said Company was incorporated under the name of "The Dunnville, Wellandport and Beamsville Electric Railway Company" by an Act passed in the sixth year of His Majesty's reign, Chaptered 107, for the purpose of constructing and operating an electric railway from some point at or near the Village of Port Maitland, in the County of Haldimand, through the Township of Dunn, the Town of Dunnville, and the Townships of Moulton and Canborough, in the County of Haldimand; the Township of Wainfleet, in the County of Welland; the Townships of Gainsborough and Clinton, in the County of Lincoln, to some point in or near the Village of Beamsville, in the County of Lincoln, and a branch from some point on the main line through the said Townships of Gainsborough, Clinton and Pelham, to some point at or near the Village of Fenwick, in the said Township of Pelham; as amended by an Act passed in the eighth year of His Majesty's reign, Chaptered 123, authorizing an extension of the said railway and extending the time for the commencement and completion of its undertaking; and whereas the said Company has by its petition prayed that the proposed line of railway be extended from the said Village of Beamsville to, at, or near Jordan Harbour in the said County of Lincoln; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Extension of  
railway  
authorized.

1. The said The Dunnville, Wellandport and Beamsville Electric Railway Company is hereby authorized and empowered to lay out, construct, equip, maintain and operate by electricity, an extension of the Company's railway from the said Village of Beamsville to, at, or near Jordan Harbour, in the County of Lincoln.

CHAPTER

## CHAPTER 134:

An Act to incorporate The Eastern Ontario Electric  
Railway Company.*Assented to 13th April, 1909.*

**W**HEREAS Edward C. Rendell, of the City of Mobile, Preamble.  
in the State of Alabama, Transportation Superintendent of The Mobile and Ohio Railway Company; James Duncan, of the City of Alton, in the State of Illinois, President of the Litchfield and Madison Railway; Wesley A. Robinson, of the City of New York, in the State of New York, Vice-President of the Robinson Land and Libra Company; Charles H. Krause of the City of St. Louis, in the State of Missouri, President of the Columbia Quarry Company; Ernest J. Krause, of the same place, President of the Willis Coal and Mining Company; William H. Lincoln, of the City of Boston, in the State of Massachusetts, Capitalist, and George E. Smith, of the same place, Broker, have, by their petition, prayed for an Act of Incorporation under the name of "The Eastern Ontario Electric Railway Company," for the purpose of constructing and operating by electricity, compressed air or any other motive power, except steam, a railway from some point in or near the Town of Cornwall in the County of Stormont, to a point in or near the City of Toronto in the County of York, passing through the Townships of Cornwall and Osnaburck in the County of Stormont, the Townships of Williamsburgh and Matilda in the County of Dundas, the Townships of Edwardsburgh and Augusta, in the County of Grenville, the Townships of Elizabethtown, Yonge, Escott, Lansdowne and Leeds in the County of Leeds, the Townships of Pittsburgh and Kingston in the County of Frontenac, the Townships of Ernestown, North Fredericksburgh and Richmond in the County of Lennox, the Townships of Tyendinaga, Thurlow and Sidney in the County of Hastings, the Townships of Murray, Brighton, Cramahe, Haldimand and Hamilton in the County of Northumberland, the Townships of Hope, Clarke and Darlington in the County of Durham, the Townships of East Whitby, West Whitby and Pickering in the County of  
Ontario

Ontario, and the Townships of Scarborough and York in the County of York, and in its course through said Townships, passing through or touching at any or all of the various incorporated cities, towns and villages, lying in its route; and also from a point in or near the City of Ottawa in the County of Carleton to a point in or near the City of Brockville in the County of Leeds and connecting with the above line and passing through the Townships of Nepean, North Gower and Marlborough in the County of Carleton, the Townships of Oxford, WOLFORD and Augusta in the County of Grenville, the Townships of Montague and North Elmsley in the County of Lanark, and the Townships of South Elmsley, Kitley, Yonge and Elizabethtown in the County of Leeds, and in its course through said townships passing through or touching at any or all of the various incorporated towns and villages lying in its route; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Edward C. Rendell, James Duncan, Wesley A. Robinson, Charles H. Krause, Ernest J. Krause, William H. Lincoln and George E. Smith, and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Eastern Ontario Electric Railway Company."

Location of line.

2. The said Company are hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by electricity or any other motive power, except steam, and from time to time to alter, remove and change a double or single or partly double and single track iron or steel railway, with all the necessary branches, switches, side tracks and turn outs for the passage of cars, carriages, motors and other vehicles adapted to the same from some point in or near the Town of Cornwall in the County of Stormont to a point in or near the City of Toronto in the County of York, passing through the Townships of Cornwall and Osnabruck in the County of Stormont, the Townships of Williamsburgh and Matilda in the County of Dundas, the Townships of Edwardsburgh and Augusta in the County of Grenville, the Townships of Elizabethtown, Yonge, Escott, Lansdowne and Leeds in the County of Leeds, the Townships of Pittsburgh and Kingston in the County of Frontenac, the Townships of Ernestown, North Fredericksburgh and Richmond in the County of Lennox, the Townships of Tyendinaga, Thurlow and Sidney in the County of Hastings

ings, the Townships of Murray, Brighton, Cramahe, Haldimand and Hamilton in the County of Northumberland, the Townships of Hope, Clarke and Darlington in the County of Durham, the Townships of East Whitby, West Whitby and Pickering in the County of Ontario, and the Townships of Scarborough and York in the County of York, and in its course through said Townships passing through or touching at any or all of the various incorporated cities, towns and villages lying in its route; and also from a point in or near the City of Ottawa in the County of Carleton to a point in or near the City of Brockville in the County of Leeds, and connecting with the above line and passing through the Townships of Nepean, North Gower and Marlborough in the County of Carleton, the Townships of Oxford, WOLFORD and Augusta in the County of Grenville, the Townships of Montague and North Elmsley in the County of Lanark, and the Townships of South Elmsley, Kitley, Yonge and Elizabethtown in the County of Leeds, and in its course through said townships passing through or touching at any or all of the various incorporated towns and villages lying in its route.

3. Edward C. Rendell, James Duncan, Wesley A. Robinson, Charles H. Krause, Ernest J. Krause, William H. Lincoln and George E. Smith, shall be and are hereby constituted a board of provisional directors of the said Company.

Provisional  
directors.

4. The number of directors shall not be less than five or more than nine.

Directors.

5. The head office of the said Company shall be at the Town of Cobourg.

Head office.

6. The capital stock of the Company shall be \$7,500,000.

Capital stock.

7. The Company may issue bonds, debentures or other securities to the extent of \$25,000 per mile of the railway constructed or under contract to be constructed.

Issue of bonds.

8. The provisions of *The Ontario Railway Act, 1906*, in so far as they apply to railways operated by electricity shall apply to the said Company and the railway to be constructed by it.

Application of  
6 Edw. VII.,  
c. 30.

## CHAPTER 135.

## An Act to incorporate The Lake Superior and Northern Railway and Transportation Company.

*Assented to 13th April, 1909.*

Preamble.

WHEREAS Michael P. Davis, William Patrick Davis and William T. Davis, all of the City of Ottawa, in the County of Carleton, Contractors, have petitioned for an Act to incorporate a company to construct a railway to be operated by steam or electricity, or part by one and part by the other, from a point at or near what is known as Black's Siding on the Canadian Pacific Railway near the mouth of the Black River, in the District of Thunder Bay; thence northerly to the southeast angle of Owl Lake, and from a point at or near the northeast angle of Owl Lake to the southeast angle of Long Lake; thence from a point at or near the northeast angle of Long Lake to a point on The National Transcontinental Railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Michael P. Davis, William Patrick Davis, William Thomas Davis, Michael Phillip Davis, and James Thomas Davis, together with such other persons, firms and corporations as shall hereafter become shareholders of the said Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Lake Superior and Northern Railway and Transportation Company," hereinafter called "the Company."

Location of line.

2. The Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam, or electricity, or part by one and part by the other, from a point on the Canadian Pacific Railway, at or near what is known as Black's Siding near the mouth of the Black River in the District of Thunder

Thunder Bay, thence northerly to the southeast angle of Owl Lake and from a point at or near the northeast angle of Owl Lake to the southeast angle of Long Lake; thence from a point at or near the northeast angle of Long Lake to a point on the National Transcontinental Railway.

3. The head office of the Company shall be located in the Head office.  
City of Ottawa, in the County of Carleton.

4. The said Michael P. Davis, William Patrick Davis Provisional  
and William T. Davis shall be Provisional Directors of the directors.  
Company.

5. The number of Directors shall be not less than five Number of  
and not more than nine. directors.

6. The capital stock of the company shall be Capital stock.  
\$500,000.

7. Subject to the provisions of *The Ontario Railway* Running  
*Act, 1906*, the company shall have power to make traffic arrangements  
and running arrangements either or both with The Can- with other  
adian Pacific Railway Company upon such terms as may companies.  
be agreed upon.

8. The Company may build, acquire, maintain, oper- Hotels.  
ate, and dispose of hotels along its line of railway.

9. The company may issue bonds, debentures or other Issue of bonds.  
securities to the extent of \$20,000 per mile of railway con-  
structed or under contract to be constructed.

10. The provisions of *The Ontario Railway Act, 1906*, Application of  
except where inconsistent with the provisions of this 6 Edw. VII.,  
Act. shall apply to the company and the railway con- c. 30.  
structed or to be constructed by it.

## CHAPTER 136.

An Act to amend the Act to Incorporate The  
Morrisburgh Electric Railway Company.*Assented to 13th April, 1909.*

Preamble.

WHEREAS Charles M. Willard, of the Township of Winchester, in the County of Dundas, Locomotive Engineer; Bradford Loughbridge, of the same place, Yeoman; Harvey Loughridge, of the same place, Yeoman; William M. Loughridge, of the same place, Yeoman; James Walter Bogart, of the same place, Yeoman; Giles W. Bogart, of the Village of Chesterville, in the County of Dundas, Merchant, and Robert Merkley, of the Township of Williamsburgh, in said county, Yeoman, have by their petition prayed that an Act may be passed amending the *Act to incorporate The Morrisburgh Electric Railway Company*, passed in the eighth year of the reign of His Majesty, King Edward VII., Chaptered 130, by extending the main line from the Village of Ormond, in the Township of Winchester in the County of Dundas, continuing through the said Township of Winchester and the Townships of Osgoode and Gloucester, in the County of Carleton to some point in or near the City of Ottawa in the said County of Carleton, passing in or near the Villages of Kenmore, Metcalfe and Greeley in the said Township of Osgoode, then along or near the Gloucester macadamized road, and by extending the line from St. Therese in said Township of Winchester, to connect with the said main line at some point in the said Township of Osgoode, with power to construct and operate a system of electric railways, and all other powers as provided in said Act over said extended line or lines; and to increase the capital stock of the said railway to \$1,000,000; and whereas it is expedient to grant the prayer of the said petition;

Therefore



Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of the Act passed in the eighth year of His Majesty's reign, Chaptered 130, is amended by striking out all the words after the word "Dundas" in the seventh line and substituting the following words: "And the Townships of Osgoode and Gloucester, in the County of Carleton, and near or through the Villages of Williamsburgh, in the Township of Williamsburgh in the said County of Dundas, Winchester and Ormond in the Township of Winchester in the said County of Dundas, and the said Villages of Kenmore, Metcalfe and Greeley, then along or near the Gloucester macadamized road to some point in or near the said City of Ottawa, and an extension thereof from a point on the main line through said Township of Winchester, passing in or near the Villages of Chesterville, Morewood and St. Therese to connect with said main line at some point in the said Township of Osgoode."

<sup>s Edw. VII.  
c. 130, s. 2,  
amended.  
Extension of  
line.</sup>

2. Section 5 of the said Act is amended by striking out the figures, "\$500,000," and substituting therefor the figures "\$1,000,000."

<sup>s Edw. VII.  
c. 130, s. 5,  
amended.  
Capital stock.</sup>

3. Section 8 of the said Act is amended by adding at the end thereof the words "and said County of Carleton."

<sup>s Edw. VII.  
c. 130, s. 8,  
amended.</sup>

## CHAPTER 137.

## An Act respecting the Niagara Peninsular Railway Company.

*Assented to 13th April, 1909.*

Preamble.

WHEREAS The Niagara Peninsular Railway Company was incorporated by an Act passed in the 7th year of the reign of His Majesty King Edward VII., and Chaptered 102, to construct a line of railway in the Village of Port Colborne and in the Townships of Humberstone and Wainfleet in the County of Welland; and whereas the said Railway Company has by its petition prayed for an Act to extend its line of railway from the northern terminus thereof in the said Township of Humberstone, northerly through the Townships of Humberstone, Crowland, Thorold and Grantham in the said County of Welland, to a point in or near the City of St. Catharines; and has further prayed that its capital stock be increased from \$50,000 to \$200,000; and has further prayed that the provisions of *The Ontario Railway Act, 1906*, shall apply to the said Company and to the railway constructed or to be constructed by it; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Extension of railway authorized.

1. The Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity or other motive power from the northern terminus of the railway of said Company, as authorized by section 2 of the Act passed in the 7th year of His Majesty's reign, Chaptered 102, in the Township of Humberstone, northerly through the Townships of Humberstone, Crowland, Thorold and Grantham in the County of Welland, to a point in or near the City of St. Catharines, in the County of Lincoln.

2.

2. Section 5 of the said Act passed in the 7th year of His Majesty's reign, Chaptered 102, is repealed and the following is substituted therefor: 7 Edw. VII., c 102, s 5 repealed.

5. The capital stock of the Company shall be \$200,000.

3. Sections 7, 8, 9, 10 and 11 of the said Act passed in the 7th year of His Majesty's reign, Chaptered 102, are repealed. 7 Edw. VII., c 102, ss 7, 8, 9, 10 and 11 repealed.

4. *The Ontario Railway Act, 1906*, shall apply to the said Company and to the railway constructed or to be constructed by it. Application of provisions of 6 Edw. VII., c. 30.

## CHAPTER 138.

## An Act respecting the Ontario Interurban Railway Company.

*Assented to 13th April, 1909.*

Preamble.

WHEREAS the Ontario Interurban Railway Company, hereinafter called "The Company," by its Act of incorporation, passed in the seventh year of His Majesty's reign, Chaptered 103, was authorized to construct a railway and branches as set forth in the said Act; and was permitted to have and to use and enjoy certain powers and privileges as in said special Act set forth; and whereas the Company has by its petition prayed that the time for the commencement and completion of the said railway and branches may be extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Act of incorporation de-  
force.

1. Notwithstanding anything contained in *The Ontario Railway Act, 1906*, and subject to the provisions hereinafter contained, the Company's said Act of incorporation is declared to be and to have continued to be in force.

Time for commence-  
ment and  
completion.

2. The construction of the said railway shall be commenced and fifteen per cent. of the amount of its capital stock shall be expended thereon within one year after the passing of this Act, and the said railway shall be finished and put into operation within four years from the passing of this Act. If the construction of the railway is not commenced, and if fifteen per cent. of the amount of its capital stock is not expended thereon within one year from the passing of this Act, and if the whole of the railway is not finished and put into operation within four years from the passing of this Act, then the powers granted by the said Act and by this Act shall cease and be null and void in respect to so much of the railway as at the end of four years from the passing of this Act shall remain uncompleted.

CHAPTER

## CHAPTER 139.

## An Act respecting The Ontario West Shore Electric Railway Company.

*Assented to 13th April, 1909.*

WHEREAS The Ontario West Shore Electric Railway Preamble. Company (herein called the Company) have by their petition represented as follows:—(a) That the name of the Company is inconveniently long and it is expedient that the same be changed to The Ontario West Shore Railway Company; (b) That by indenture bearing date the first day of May, 1908, the Company did grant and convey to The Toronto General Trusts Corporation, therein called the Trustee, all the railways, railway tracks, electric motors, cars, lines of wire, poles and machinery, etc., as fully set out in the said indenture, to secure the payment of first mortgage bonds of the Company to the amount of fifteen thousand dollars (\$15,000) per mile of single track of its railway duly authorized by the shareholders of the Company, which indenture was, before its execution, submitted to and approved by the respective solicitors of the towns of Goderich and Kincardine, and of the townships of Huron and Ashfield, and was in due course filed in the office of the Provincial Secretary on the 10th day of June, 1908; (c) That in pursuance of such indenture the Company have issued their first mortgage bonds upon and in respect of the section of their railway from Goderich to Kincardine, a distance of about forty miles to the amount of six hundred thousand dollars (\$600,000) in all, and all such bonds have been delivered to the Trustee under the said indenture and that the said four municipal corporations have in pursuance of their respective by-laws set out in the schedules to the Act passed at the last session of this Legislature, Chaptered 135, executed guarantees of such bonds to the amounts mentioned in such by-laws respectively; (d) That the work of building the said railway from Goderich to Kincardine was commenced before first May, 1908, and has been continued with reasonable despatch, and payments have from time to time been made

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on account of the work so done from the moneys of the Company including the moneys in the hands of the Trustee realized from the sale of some of such bonds; (e) That the remaining bonds could be sold more readily and to better advantage, which would result in consequent benefit to the municipalities in the building of the said road, if the said indenture and the bonds so issued were approved and confirmed; and whereas the Company have prayed that the said change be made in its name and that the said indenture of mortgage and bonds be approved and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Change of  
name.

1. The name of The Ontario West Shore Electric Railway Company is hereby changed to The Ontario West Shore Railway Company.

Indenture  
dated May 1st,  
1908, between  
Company and  
Toronto  
General Trusts  
confirmed.

2. The indenture bearing date the first day of May, 1908, made between The Ontario West Shore Electric Railway Company of the first part, and The Toronto General Trusts Corporation, of the second part, and filed in the office of the Provincial Secretary and which is set out in Schedule 'A' to this Act, is hereby approved and confirmed and the bonds authorized to be issued as therein mentioned are hereby declared to be valid and binding.

#### SCHEDULE "A."

This Indenture made this First day of May, in the year of our Lord One thousand nine hundred and eight, between The Ontario West Shore Electric Railway Company, hereinafter called the "Company" Party of the First Part, and The Toronto General Trusts Corporation, hereinafter called the "Trustee" Party of the Second Part.

Whereas the Company is a Corporation duly organized and existing under the Statutes of the Province of Ontario, in the Dominion of Canada, being 2 Edward VII, Chapter 78; 3 Edward VII, Chapter 98; 6 Edward VII, Chapter 113, and 8 Edward VII, Chapter 135, for the purpose among other things of surveying, laying out, constructing, equipping, maintaining and operating by electricity a railway and branches through or in the Counties of Huron, Bruce, Grey, Middlesex, Perth and Lambton, in the Province of Ontario, and various municipalities in or within the said counties, the said Company having the powers, rights and privileges in the said several Statutes set out;

And

And whereas by the said Statutes power is given to the directors of the Company under the authority of the shareholders to issue bonds of the Company to the extent of fifteen thousand dollars (\$15,000) per mile for each and every mile of single track of the said railway and extensions and branches;

And whereas at a special meeting of the shareholders duly called and held for the purpose of giving such authority in accordance with the said Statutes, the directors of the Company were authorized to issue the bonds of the Company to the extent of fifteen thousand dollars (\$15,000) per mile for each and every mile of single track of the said railway and extensions and branches;

And whereas at the said special meeting the directors of the Company were also authorized pursuant to the said Statutes, to secure such bonds by a mortgage deed upon the whole of the property, assets, rents and revenues of the Company, present or future, such rents and revenues, however, to be subject in the first instance, to the payment of the working expenses of the railway;

And whereas the shareholders at the said special meeting authorized the said bonds to be made payable on the first day of July, A. D. 1938, and to bear interest at the rate of five per cent. per annum, payable half-yearly on the first days of January and July in each year, and approved of the form of the said bonds, and instructed the directors of the Company to issue them (signed by the president or vice-president, and countersigned by the secretary, the said countersignature and the signature of the coupons to be sufficient if engraved), in the form following, or to the same effect, that is to say:—

“The Ontario West Shore Electric Railway Company, incorporated under Special Act of the Legislature of the Province of Ontario, 2 Edward VII, Chapter 78, amended by 3 Edward VII, Chapter 98; 6 Edward VII, Chapter 113, and 8 Edward VII, Chapter 135.

*“First Mortgage Thirty Year Five per Cent. Gold Bond.*

“Number

\$1,000.00.

“The Ontario West Shore Electric Railway Company hereby acknowledges itself indebted to, and for value received promises to pay to the bearer, or if registered, to the registered holder thereof the sum of One thousand dollars in Gold Coin of or equivalent to the present standard of weight and fineness, at the office of The Toronto General Trusts Corporation in the City of Toronto, Province of Ontario, Canada, on the first day of July, A. D. 1938, together with interest thereon at the rate of five per cent. per annum, payable at the same place half-yearly on the first days of January and July in each year, in like Gold Coin, upon presentation and surrender of the interest coupons hereunto annexed as they severally become due.

“The principal and interest of this bond are payable without deduction of any tax or taxes which the said The Ontario West Shore Electric Railway Company may pay or be required to pay thereon, or retain therefrom, under or by reason of any present or future law of the Dominion of Canada or of the Province of Ontario, or of any county or other municipality, the said Company hereby agreeing to pay all such tax or taxes.

“This bond is one of a series of like date, tenor and effect, for one thousand dollars each, issued and to be issued to an aggregate not exceeding fifteen thousand dollars per mile of single track of said Company's railway and extensions and branches now or hereafter constructed or under contract to be constructed, each of which bonds is equally secured by a mortgage deed of trust bearing even date herewith and duly executed and delivered by The Ontario

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West Shore Electric Railway Company to The Toronto General Trusts Corporation as Trustee for the holders of the said bonds, and conveying to the said Trustee and its successors in the trust all of the corporate property, franchises and other rights in respect of constructing, maintaining and operating the railway hereby mortgaged, assets, rents, and revenues of the Company present and future as set out therein, subject to all the provisions of law, the terms and conditions of which mortgage deed of trust are hereby incorporated into and declared to form part of this bond,—reference being hereby made thereto for a description of the mortgaged property, rights and franchises and the nature and extent of the security, the rights of the holders of bonds secured under the same and the terms and conditions under which said bonds are issued and secured. If default shall be made in the payment of the interest on this bond or in the performance of certain covenants and agreements in said mortgage deed of trust, then the principal of this bond may become due and payable on the conditions and in the manner and at the times provided in said mortgage deed of trust.

"This bond may be registered in the books of the said Trustee at its said office, and when registered a certificate of such registration shall be endorsed hereon; upon such registration only the registered holder shall be entitled to receive the principal hereof, but such registration shall not restrain the negotiability of the coupons by delivery thereof; the coupons, however, may be surrendered and the interest made payable only to the registered holder of the bond. A transfer to bearer may subsequently be registered at the said office of the said Trustee, after which the bond will be transferable by delivery until again registered in the name of the holder thereof.

"This bond is only binding on the said Railway Company when the certificate of the said Trustee or its successor is hereon endorsed, certifying that it is one of the series of bonds issued under the terms of said mortgage bearing even date herewith.

"In witness whereof The Ontario West Shore Electric Railway Company has caused its corporate seal to be hereto affixed, and these presents to be signed by its president or vice-president, and countersigned by its secretary, this                    day of                    A. D. 1908.

"President.

"Secretary.

#### "COUPON.

"The Ontario West Shore Electric Railway Company will pay the bearer                    dollars lawful money at the office of The Toronto General Trusts Corporation of Toronto, Canada, on the                    day of                   , being six months' interest then due on its first mortgage thirty year five per cent. Gold Bond, Number                   .

"Secretary.

#### "TRUSTEE'S CERTIFICATE.

"The Toronto General Trusts Corporation hereby certifies that the within bond is one of the series of bonds mentioned and described in the mortgage deed of trust within referred to.

"THE TORONTO GENERAL TRUSTS CORPORATION,

"Trustee.

"By

"Managing Director.

"Or

"Assistant Manager."  
And



And whereas these presents were also duly submitted to the said special meeting of shareholders, and were duly approved thereby, and have been submitted to and approved by the directors of the Company as the mortgage deed to secure such bonds;

Now this Indenture witnesseth, that the Company for the better securing the payment of the principal and interest of the said bonds to be issued by the Company to an aggregate not exceeding fifteen thousand dollars (\$15,000) per mile of single track of the Company's railway and extensions and branches, now or hereafter constructed or under contract to be constructed, and in consideration of the sum of one dollar and the premises doth hereby grant and convey unto The Toronto General Trusts Corporation as Trustee, and its successors and assigns, all the railways, railway tracks, electric motors, cars, lines of wire, poles and machinery, roadbeds, rights of way, bridges, wharves, work shops, depots, stables, offices, grounds, engine and power houses, buildings, improvements, tenements, hereditaments now owned by the Company in fee simple, or as lessee or otherwise, and used or intended to be used for the purpose of operating the railways of the Company, or any railways leased or acquired or which may hereafter be leased or acquired by the Company, together with all rolling stock, tools, implements and materials now belonging to or which may hereafter belong to the Company, and now or hereafter in use or intended for use upon the property thereof, or upon any of the railways so leased or acquired, or in connection with the property, equipment and operation of the same, together with all and singular the public rights, privileges, immunities and franchises acquired, or to be acquired, connected with or relating to the Company; and together with all streets, highways, public places, waters, watercourses, easements, rights, privileges, hereditaments and appurtenances whatsoever unto any of the herein granted and mentioned premises and estates belonging or appertaining, or to belong or appertain, and the reversions, remainders, rents, issues and profits thereof, and all rights, interests, privileges, immunities and franchises of the Company on, in or over all streets, avenues, highways and public places, in any and all municipalities in or through which the Company may construct or extend or maintain or operate its railway or line or lines, or extensions or branches thereof, or any of them, and all the assets, rents and revenues of the Company present or future, subject, however, as to such rents and revenues in the first instance to the payment of the working expenses of the railway of the Company, and all the estate, right, title, interest and property, claim and demand of every nature and kind whatsoever of the Company, which the Company has the right to grant, convey, or sell at law or in equity, and every part and parcel thereof; the streets, avenues, highways and public places in or through municipalities, and the rights of way over and along which it is proposed to construct, maintain and operate the railway of the Company being as follows, to wit:—

All streets, avenues, highways and public places referred to in any by-law or by-laws passed or hereafter to be passed by the council or councils of any municipality or municipalities in any of the said Counties of Huron, Bruce, Grey, Middlesex, Perth and Lambton, and any other county in or through which the said railway is or may be, by any Statute now enacted or hereafter to be enacted, authorized to be constructed, and all rights of way already acquired or which may hereafter be acquired in, or through any of the said municipalities in or through which the said railway is or may be by the said Statutes or any of them authorized to be constructed, or of, or in, or through any municipality whether in any of the said counties or in any other county or counties in or through which the said railway may hereafter by any other Statute, or otherwise howsoever be authorized to be constructed, the said streets, avenues, highways, public places and rights of way being  
or

or to be more fully described in the plans or copies thereof filed or deposited or hereafter to be filed or deposited in the office or offices or with the officer or officers from time to time named for the said purpose by *The Ontario Railway Act*, or by any Act or Statute governing such filing or depositing.

To have and to hold the above described property, premises, things, rights, privileges, immunities, choses-in-action, claims and demands acquired and to be acquired, hereby conveyed or intended to be conveyed, unto the said Trustee, according to the nature and quality thereof, and unto its successors in the said trust, for the use, benefit and security as hereinafter mentioned of the persons, bodies politic or corporate, their respective successors, administrators and assigns that may be or become holders of the said bonds intended to be hereby secured to the amount in the aggregate not exceeding fifteen thousand dollars per mile of single track of the Company's railway and extensions and branches now or hereafter constructed or under contract to be constructed as aforesaid;

And this Indenture further witnesseth that in consideration of the premises, the Company doth hereby for itself, its successors and assigns covenant and agree with the Trustee, its successors and assigns:—

*First.*—Until default shall be made by the Company in payment of principal or interest of said bonds hereby secured, or of some one or more of them, or until default shall be made by the Company in respect of something herein required to be done or some condition or covenant to be performed by it, the Company shall be suffered and permitted to possess, manage and enjoy the said railway and the lines and extensions and branches thereof, and all other property expressed to be conveyed hereby, together with the equipments and appurtenances thereof, and the franchises appertaining thereto, and to take and use the rents, incomes, profits, tolls and issues thereof in the same manner, and with the same effect as if this deed had not been made.

*Second.*—The Company will pay punctually to the holders of the bonds aforesaid intended to be hereby secured, or any that may be issued in lieu, renewal or substitution of the same respectively, the interest thereon half-yearly, as the same shall become due and payable according to the terms in said bonds contained, and on the dates therein respectively mentioned for the payment of the same, and will also on the dates mentioned in said bonds respectively, or whenever the said principal sums of said bonds shall, according to the provisions thereof, become due and payable, fully and entirely pay off and satisfy as aforesaid the whole of said bonds, principal and interest, without further delay, it being hereby stipulated, covenanted and agreed that the amount of bonds to be secured hereby shall be at the rate of fifteen thousand dollars (\$15,000) per mile of single track of the Company's railway and extensions and branches now or hereafter constructed or under contract to be constructed, and it being further expressly covenanted and agreed that before any issue of bonds shall be made a certificate of the secretary of the Railway Company duly confirmed under oath or statutory declaration by the president thereof, shall be first presented to the said Trustee setting forth the number of miles of single track constructed or under contract to be constructed, and that upon the filing of such certificates so confirmed with the said Trustee, bonds secured hereby may be issued at the rate of fifteen thousand dollars (\$15,000) per mile of single track as aforesaid, and it being hereby further stipulated and agreed that upon the construction or upon the execution of a contract for the construction of each additional mile or greater length of single track by the Company in, along, upon, or over any of the streets, avenues, highways, public places, or rights of way hereinbefore set forth, or elsewhere, the Company shall have the right, power and privilege of issuing its bonds secured hereby

at

at the rate of fifteen thousand dollars (\$15,000) per mile of single track in the aggregate as aforesaid upon the presentation to, and filing with the trustee as hereinbefore provided, of a certificate by the Secretary of the Company duly confirmed under oath or statutory declaration as aforesaid by the President of the Company, and that after the execution and recording of this mortgage upon such certificate so confirmed being from time to time filed with the said trustee all the bonds authorized to be issued hereunder in accordance with such certificates, with all coupons thereto belonging shall be placed in possession of the Trustee to be certified by the Trustee, and shall be certified by the Trustee and (except the guaranteed bonds hereinafter referred to), shall be then returned to the president or secretary of the Company and may be issued by the Company as hereinbefore last specifically provided. All of the bonds secured hereby to be considered as issued on the 1st day of July, 1908.

*Third.*—As to certain of the bonds hereby secured, which have been or may hereafter be guaranteed by certain municipalities in the said counties or some of them it is hereby stipulated and agreed, for the purpose of securing the said municipalities, as follows:—All moneys, proceeds, of the sale or pledge of any of the said bonds so guaranteed shall be paid to the said Trustee, or the said bonds themselves shall be deposited with the said Trustee, and shall be applicable only for the purposes of the said railway *pro rata* with the proceeds of the sale or pledge of the other bonds issued as aforesaid, and shall be paid out by the said Trustee only as it receives progress certificates, and no amount shall be paid thereout except to the extent of the face value of such progress certificates, which are to be issued for amounts from time to time not exceeding ninety per cent. of such services or materials as are certified to by the engineer appointed to inspect the said works and *pro rata* as aforesaid; and the balance shall be paid out only after the completion of the said railway and the opening of the same (or the section thereof in respect of which such progress certificates have been issued) authorized by the Ontario Railway and Municipal Board, in accordance with the provisions of section 163 of *The Ontario Railway Act, 1906*. Any delivery of bonds to be made by the Trustee to the Company hereunder shall be sufficiently made by delivery thereof to the president or secretary of the company.

*Fourth.*—The Company further agrees that it will at all times hereafter, pay and discharge all taxes and assessments which are or may hereafter be lawfully assessed or imposed upon the said property or franchises, at any time or times when the said taxes or assessments shall be respectively due and payable, and will not suffer any lien superior to the lien of this mortgage to attach to any part of said property or franchises and will not suffer any waste thereof. Should the Company fail to pay any such tax, assessment or other charge, or suffer any lien to attach, the Trustee may at its option and if it sees fit pay and discharge the same and may add the amount of any such payments to the bonds hereby secured, and the same shall bear interest at the rate of five per cent. from the time of such payments, and shall be payable at the time appointed for the then next ensuing payment of interest on said bonds, with the right to the trustee, in case of such failure on the part of the Company to pay the said taxes, assessments, charges or attaching liens, to realize the amount necessary to pay and discharge the same by the proceedings and remedies and upon like authorization hereinafter provided as in case of default in the payment of the interest upon the said bonds, provided, however, that the Trustee shall not be bound itself to advance the moneys necessary for the making of any such payments.

*Fifth.*—The Company agrees to keep the buildings erected and to be erected upon the lands above mentioned, and all the works thereon or appurtenant thereto, and the motive power, electrical apparatus, machinery and equipment at any time covered by this mortgage

mortgage, insured against loss or damage by fire by reputable insurance companies, to an amount not less than two-thirds of the value of the property insured, and to assign the policy or policies thereof to the Trustee as further security for the bonds issued hereunder; such policies to contain the "mortgage clause" if demanded by the Trustee, and in default thereof it shall be lawful for the Trustee to effect such insurance and pay the premium therefor, and the premiums paid for effecting the same shall be a lien on the said property and be forthwith due and payable by the Company. The proceeds of any such policy of insurance shall be applied to the replacement and reconstruction of the destroyed or damaged property, or otherwise for the benefit of the mortgaged property.

*Sixth.*—The Company further agrees properly to maintain all property at any time covered by this mortgage, repairing, renewing and replacing the same, as may be necessary, and to keep the railways and electric plants covered hereby supplied with sufficient equipment and power, and properly to operate the same and preserve the rights, privileges and franchises relating thereto, except as hereinafter provided.

*Seventh.*—All mortgage bonds hereby secured shall be payable to bearer and negotiable and passed by delivery, unless registered for the time being in the name of the holder thereof in the manner hereinafter provided, and the Trustee shall keep at its head office in the City of Toronto, a mortgage bond register for the Company, in which every owner of such mortgage bond shall be entitled to have his name and address and the number of such mortgage bond held by him entered, and every such registration of ownership shall be properly certified on the said mortgage bond. After such registration of ownership of any such mortgage bond so certified thereon, no transfer shall be made or shall be valid, except in writing in a suitable transfer book to be kept by the Trustee at its said office for such transfer signed by the party registered as the owner thereof for the time being, or his legal representatives, or his or their agent or attorney thereunto duly authorized. And the fact of every such transfer shall be entered upon the said last mentioned transfer-book so as to show the number of the mortgage bond transferred and the name and address of the transferee, unless any such transfer shall be to bearer, in which case it shall be so entered. And every such transfer shall be made on the said mortgage bond, and if the last transfer be to bearer it shall restore to it the transferability by delivery, but every such mortgage bond shall be subject to successive registrations and transfers to bearer as aforesaid at the option of each owner. Such registration, however, shall not affect the negotiability of the coupons, but the same shall continue to be transferable by delivery, notwithstanding the registration of the bond.

*Eighth.*—In case default shall be made in the payment of any instalment of interest on any of the bonds issued hereunder, and shall continue for the period of six months after payment of such interest shall have been duly demanded in writing, then provided that a majority in interest of the holders of all said bonds issued hereunder and then outstanding, do in writing or by a vote of such majority at a meeting duly held as herein provided, at any time after such default, declare or instruct the Trustee in such case to declare that, upon the expiration of said period after such default and demand, the said principal shall become immediately due and payable as aforesaid, the same shall thereupon become immediately due and payable; or such majority may, in like manner, at any time after such default, waive or instruct the Trustee to waive the right so to declare, or may direct the Trustee to refrain from making such election or declaration, on such terms and conditions as such majority may deem proper, and may annul or reverse the previous election made or action taken by the Trustee in that behalf, whereupon said principal sum shall immediately  
cease

cease to be due and payable, provided always, and it is hereby declared that no such action of the Trustee or bondholders shall extend to or be taken to affect any default in the payment of subsequent instalments of interest on any of said bonds, or to impair the rights resulting from such subsequent default.

*Ninth.*—In case default shall be made in the payment of any interest on any of the bonds issued hereunder, and shall continue for the period of six months after payment of such interest shall have been duly demanded in writing, or in case default shall be made in the payment of the principal of any of said bonds, then and in any and every such event, it shall be lawful for and upon a requisition in writing signed by the holders of not less than one-half in amount of the said bonds then outstanding, and upon adequate indemnity against all costs, expenses and liabilities to be by the Trustee incurred, it shall be the duty of the Trustee, personally or by its attorneys or agents, to enter into and upon all and singular the said property, rights and franchises then covered by this mortgage, and each and every part thereof, and to exclude the Company and its agents wholly therefrom (who shall forthwith surrender the same to the Trustee), and to have, hold, manage, operate, control and use the same, either personally or by its superintendents, managers, receivers, agents, servants or attorneys, and conduct the business thereof, and exercise the franchises pertaining thereto; to make from time to time, at the expense of the trust estate all repairs and replacements, and such useful alterations, additions and improvements thereto as may seem to it to be necessary or judicious, and to collect and receive all income, rents, issues and profits of the same, and of every part thereof; and after deducting the expenses of operating said property and conducting the business thereof, and of all repairs, replacements, alterations, additions and improvements as aforesaid, and all payments which may be made for taxes or assessments, if any, prior to the lien of this mortgage upon the property, or any part thereof, as well as a just and reasonable compensation for its own services, and for the services of all agents, clerks, servants or other employees, by it properly engaged or employed, to apply the moneys arising as aforesaid to the payment of the interest in arrear, or which shall fall due on the outstanding bonds secured hereby in the order in which such interest shall have become due and payable, ratably to the persons entitled to such interest, and after paying all such interest which shall have become due and payable, to apply the said moneys to the satisfaction of the principal of the aforesaid bonds which may be at any time due and unpaid, if the principal shall have become due and payable as herein provided, ratably, without discrimination or preference, provided, that if, after such entry, the arrears of interest shall be fully discharged out of the net income of such property, and if such principal shall not have become so due and payable, then the Trustee shall restore the said property to the Company, to possess, manage, operate and enjoy the same in like manner as before such entry, but without prejudice to the right of the trustee to enter as herein provided, for any subsequent default.

In case default shall be made in the payment of any interest on any of the bonds issued hereunder, and shall continue for the period of six months after payment of such interest shall have been duly demanded in writing, or in case default shall be made in the payment of principal of any of said bonds when the same shall become or be declared due and payable as in this mortgage provided, or in case default shall be made in the performance of any covenant, agreement, or stipulation herein contained on the part of the Company to be kept or performed, then, and in either or any and every such case, it shall be lawful for the Trustee, and upon a requisition in writing, signed by the holders of not less than one-half in amount of the said bonds then outstanding, and adequate indemnity against all costs, expenses and liabilities to be

be by it incurred, it shall be the duty of the Trustee to proceed to enforce the rights and liens of the bondholders under the mortgage, either by foreclosure or by any other appropriate proceeding in any proper Court, by way of remedy, as the Trustee, being advised by counsel learned in the law, shall deem most effectual to enforce such rights or as such requisition may specify; and it is further provided and by and on behalf of the Company it is agreed that in addition to the other powers herein conferred upon the Trustee and the bondholders to enable them to enforce payment of the said bonds and interest, and as a cumulative remedy they shall have the following rights and powers, that is to say:—In case default shall be made in the payment of interest on the said bonds or any of them and shall continue for the period of one year thereafter, or in case default shall be made in the payment of the principal of the said bonds or any of them or any part thereof when the same shall respectively become due and payable, either according to the tenor thereof or by virtue of the provisions herein contained, and shall continue for a period of one year thereafter, it shall be lawful for the trustee after such entry as aforesaid, or after other entry or without entry personally or by its attorneys or agents, to sell and dispose of the said railway and all and singular the property, rights and franchises hereinbefore expressed to be conveyed, and which shall be then subject to the lien of these presents at public auction in the Town of Goderich, in the County of Huron, in the Province of Ontario, and at such time as the Trustee shall appoint, having first given notice of the time and place of such sale by advertisement published not less than once a week for one month in one or more newspapers published in the Town of Goderich, and after such notice it shall be lawful for the Trustee to make such sale with or under any special conditions as to upset price, reserved bid or otherwise, or as to receiving the price or consideration of such sale in whole or in part in bonds secured hereunder, which may be prescribed or authorized by the bondholders in the manner hereinafter provided, also with power to rescind or vary any contract of sale that may have been entered into thereat and resell with or under any of the powers herein; and the Trustee may stop, suspend or adjourn such sale from time to time in its discretion, and if so adjourning, make the same with or under any of the powers herein, after one month's notice thereof published as hereinbefore provided, at the time and place to which the same shall be adjourned, and make and deliver to the purchaser or purchasers of the said railway and premises or any part thereof, good and sufficient deed or deeds in the law for the same, which sale made as aforesaid, shall be a perpetual bar against the Company and its assigns and all other persons claiming the said premises or any part or parcel thereof; by, from, through or under the Company or its assigns, and after deducting from the proceeds of such sale just allowance for all expenses thereof, including attorney's and counsel's fees, and all other expenses, advances or liabilities, including premiums of insurance, if any, which may have been made or incurred by the Trustee in operating or maintaining the said railway and premises, or in managing the business thereof, and all payments by it made for taxes or assessments, and for charges and liens, if any, prior to the lien of these presents on the said premises or any part thereof, as well as reasonable compensation for its own services, and any other expenses or charges, to which it may be entitled, it shall be lawful for the Trustee, and it shall be its duty to apply the residue of the moneys arising from such sale to the payment of the principal and accrued and unpaid interest on all the said bonds which shall be then outstanding, without discrimination or preference as between principal and accrued and unpaid interest, or as between the holders of said bonds or of any coupons issued therewith, but equally and ratably and to all such bond and coupon holders, and if after the payment and satisfaction of said bonds



bonds, principal and interest, a surplus of the said proceeds shall remain, to pay such surplus to the Company or its assigns. And it is hereby declared and agreed that the receipt of the Trustee shall be sufficient discharge to the purchaser or purchasers at such sale for his or their purchase money, and that after payment of such purchase money, and having such receipt, such purchaser or purchasers shall not be obliged to enquire into the application of such purchase money upon or for the trusts or purposes of these presents, or be in any manner whatsoever answerable for any loss, misapplication or non-application of such purchase money or any part thereof, nor shall he or they at any time be obliged to enquire into the necessity, expediency or authority of or for any such sale, subject to the power, hereby declared, of a majority in interest of the holders of said bonds then outstanding, in writing, or by a vote of such majority at a meeting duly held as herein provided, to instruct the Trustee to waive any such default; provided that no action of the Trustee or of the bondholders in waiving a default shall extend to or be taken to apply to, or affect any subsequent default, or impair the rights of the Trustee or of the bondholders resulting from such subsequent default; it being understood and it is hereby expressly declared, that the rights of entry and sale hereunder granted are intended as cumulative remedies, additional to all other remedies allowed by law, and that the same shall not be deemed in any manner whatsoever to deprive the Trustee, or the beneficiaries under this trust, of any legal or equitable remedy by judicial proceedings according to the true intent and meaning hereof. The right to take proceedings for the foreclosure of this mortgage is vested exclusively in the Trustee, provided that the Trustee shall take such proceedings within a reasonable time after the making of such requisition, and offer of such indemnity as aforesaid.

If the Company shall make default in paying the principal or interest on any of the said bonds at the time when the same by the terms of the bond or under any of the provisions herein contained becomes due and payable, then at the next annual general meeting of the Company and at all subsequent meetings all holders of bonds so being and remaining in default shall in respect thereof have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares to a corresponding amount, but such right shall not be exercised unless the bond in respect of which the holder thereof claims to exercise such rights has been registered in his name in the same manner as the shares of the Company are registered at least ten days before he attempts to exercise the right of voting thereon; and the Company shall be bound on demand to register such bonds and thereafter any transfers thereof in the same manner as shares or transfers of shares, but the exercise of the rights given by this article shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled under the provisions of this mortgage deed or otherwise howsoever.

It is further provided, and by and on behalf of the Company it is agreed, that, in case the Trustee shall deem it advisable for the interest of the bondholders to resort to judicial proceedings to foreclose this mortgage deed of trust or to sell the said railway and property, then, and in that case the Trustee on any default may proceed in any Court having jurisdiction in the Province of Ontario to foreclose the same and enforce a sale of such railway and property by judicial process to pay the whole of said bonds not previously redeemed, together with the accrued interest thereon, in the same manner as though said bonds were all due and payable by the terms thereof, which sale shall be absolute and without redemption, and shall be a perpetual bar to all right or claim whatever of the Company, of, in and to the said railway and property

property, and every part thereof, and absolute and perfect title may be made to the purchaser or purchasers at said sale in and to said property so sold under judicial proceedings as provided for herein.

And it is hereby provided, declared and agreed that the remedies in this indenture provided for the payment or the enforcement of the payment of the principal and interest of the said bonds, and the remedies for any and all other default or defaults shall be cumulative, and that the Trustee shall have the right upon any default to take and institute any or all such remedy or remedies as it shall be by counsel learned in the law advised.

*Tenth.*—It is hereby further provided, declared and agreed that (in case any foreclosure or other sale shall be made of the property and franchises in execution of the provisions of this mortgage), the purchaser or purchasers at such sale shall be entitled in making payment of the purchase price to turn in and use any of the bonds and coupons secured by this mortgage then matured and unpaid towards the payment of said purchase price, reckoning said bonds and coupons for that purpose at a sum equal to and not exceeding that which would be payable out of the net proceeds of said sale to the holder or holders of such bonds and coupons so turned in, as his or their share thereof, upon a due accounting concerning such net proceeds and a due apportionment and distribution thereof, and after allowing for the proportion of payments which may be required by the Court having jurisdiction of the foreclosure to be paid in cash for the expenses of the trust and of the sale or other purpose, but if the amount which would be so payable, out of such net proceeds upon such an accounting, apportionment and distribution to the holder or holders of such bonds and coupons so turned in be less than the amount for which the Company may be liable on such bonds and coupons, then the receipt endorsed thereon, under the supervision of such Court, by the holder of such bonds and coupons for the amount to be allowed or credited thereon shall be sufficient as to such payment.

*Eleventh.*—The Company, its successors and assigns, with the consent of the trustee, or its successors, may at any time or times hereafter exchange for other property or sell all or any part of the hereby mortgaged estate and premises (other than the Company itself, its franchises, its sidings, depots, branches, extensions, motors, either electric or otherwise, poles and appliances) which in the opinion of the Company may not be necessary for track purposes, free and clear from the lien or incumbrance of these premises and convey the same without liability on the part of the grantee for the disposition of the purchase money or of the property received in exchange by the Company; and the trustee upon the request of the Company, its successors and assigns, shall execute all necessary releases for that purpose; the Company hereby covenanting that the proceeds of any sale so made shall be invested by it either in the improvement of some remaining part of the mortgaged premises or in the purchase of other property real or personal, which property so purchased, as also any that may be acquired in exchange as aforesaid by the Company, shall be subject to all the trusts, (including that of the sale or exchange) hereby declared of the property described in this Indenture and shall be conveyed and mortgaged by the Company to the trustee to be so held, or in the purchase of bonds hereby secured, which bonds so purchased shall be forthwith cancelled and delivered to the trustee.

*Twelfth.*—The Company and the trustee severally agree upon reasonable request, to execute further instruments and to do such further acts as may be necessary or proper to carry out more effectually the purposes of this mortgage, and the Company agrees to execute, acknowledge and deliver to the trustee from time to time, all such deeds, conveyances and instruments as may be necessary or proper to place under the lien of this mortgage all additional properties, improvements grants, rights, privileges, franchises, immunities and exemptions which the Company shall hereafter acquire.

*Thirteenth*



*Thirteenth.*—Meetings of the holders of bonds issued hereunder may be held upon the call of the trustee or of the holders of two-fifths in amount of said bonds then outstanding, subject to the provision that the same shall be held at such place or places of meeting in the City of Toronto and at such time or times, and in such manner and on such notice, and in all respects under and subject to such directions and regulations as shall be prescribed by the bondholders. Such meetings shall be held in the City of Toronto, and notice of the time and place, with a general statement of the purpose of the meetings shall be given by publishing the same once a week for at least two successive weeks immediately preceding the meeting in at least one newspaper published in said city, and in one newspaper published in the City of New York, and of good circulation in the business community thereof, and in one newspaper published in the Town of Goderich. Until the regulations in this paragraph mentioned for the meetings of bondholders hereunder shall have been prescribed by the bondholders as aforesaid, the trustee shall have the right to require at any such meeting that any resolution or act of the bondholders at such meeting which may require action on the part of the trustee, or which shall affect in any manner the duties of the said trustee or any of them, shall be authenticated by the signatures of the bondholders or persons assenting to such act or resolution. Any such meeting may be continued or adjourned from time to time, and holders of said bonds may attend and vote thereat in person or by proxy, each \$1,000.00 of said bonds entitling the holder or registered owner thereof to one vote; provided, that a majority in interest of the then outstanding bonds, in person or by proxy, shall be required to constitute a quorum from time to time; and provided further, that any vote of such meeting affecting or intended to affect any person or corporation, including the parties hereto or their successors may, by such person or corporation to be affected, be required to be authenticated under the hands of the persons so voting.

It shall be the duty of the trustee, and it is hereby authorized, empowered and required, whenever and so often as any contingency or event shall occur in connection with which it shall be necessary that any action or power should be done or exercised by the bondholders under this deed whether the same arise in the ordinary conduct of the affairs of the Company or in connection with any default or otherwise howsoever, to call or cause to be held a meeting of the bondholders for the purpose of dealing with such contingency or event, or matter necessitating the action of the bondholders. Such meeting may be called upon such regulations as to notice as are hereinbefore provided for.

Any bondholder present at any such meeting may require the ownership of bonds by the persons claiming to be such bondholders to be evidenced by the production of the bonds; and whenever under any of the provisions of this mortgage, effect is to be given to the election, act, appointment or assent of a majority, or any specified amount or proportion of the bonds secured hereby, any person whose interests are to be affected by such action may require that the ownership of said bonds, at the time of such action by the person claiming to be such owner, shall be vouched for by the affidavit or statutory declaration of such person, or his duly authorized agent or attorney having possession of the bonds, stating such ownership of the bonds at the time of such action, and giving their numbers and amounts, which affidavit or statutory declaration shall be received as *prima facie* evidence of the fact but subject to the question of its verity in any legal proceeding or controversy.

Any requisitions, requests, proxies, powers of attorney or other instrument signed by bondholders, pursuant to any provision of this mortgage may be in any number of parts, and shall be signed in the presence of a subscribing witness, such signing to be attested by the oath, affirmation or statutory declaration of such witness.

*Fourteenth*

*Fourteenth.*—The word "Trustee" as used in this mortgage shall be construed to mean the Trustee, party of the second part, or its successors or assigns; and such successors or assigns shall be vested with and shall be entitled to exercise all the rights, powers, property, estate and trusts hereby granted to or conferred upon the party of the Second Part hereto.

And it is hereby further covenanted and agreed that the trusts created by this instrument are accepted upon the express conditions that the said trustee shall not incur any liability or responsibility whatever in consequence of permitting or suffering the party of the first part to retain or be in possession of the estate and premises, hereby mortgaged, or agreed or intended so to be; nor shall said trustee be liable for any depreciation or deterioration, loss or injury which may be done or occur to the premises herein mortgaged nor for any other account, matter or thing other than the wilful breach of the party of the second part hereto of the trusts hereby created.

It is hereby declared that the last day of any term of years reserved by any lease verbal or written or any agreement therefor now held or hereafter acquired by the Company and whether falling within a general or specific description of property hereunder is hereby excepted out of the assignment or transfer of such lease or agreement hereby made and does not and shall not form any portion of the mortgaged premises.

And it is further hereby declared and agreed that after any lease or sale made under the powers herein contained of any leasehold interest forming part of the mortgaged premises, the Company shall stand possessed of the premises sold for the last day of the term granted by the lease thereof or agreement therefor in trust for the purchaser or purchasers their executors, administrators and assigns, to be assigned and disposed of as he or they may direct.

As a condition precedent to the acceptance of the said trust by the trustee, it is further stipulated and agreed by and between the parties hereto and all present and future holders of bonds secured by these presents that the trustee shall not be liable for or by reason of any failure or defect of title to or any encumbrance upon the mortgaged premises or for the sufficiency of this indenture or of any other indenture or document assuring, transferring and conveying or purporting to assure, transfer and convey to the trustee any estate, property, matter or thing understood or referred to nor shall the trustee be liable for any act, default, neglect or misconduct of any of its agents, representatives or employees by it appointed in connection with the execution of any of the said trusts nor in any other manner answerable or accountable under any circumstances whatsoever except for gross negligence or bad faith; that the recitals contained in the mortgage herein or in the bonds as to priority of lien, due authorization or any other matter whatsoever are made by and on the part of the Company, and the trustee assumes no responsibility for the correctness of same nor is it required to verify the same but all such statements and recitals are and shall be deemed to be made by the Company only. Also it shall be no part of the duty of the trustee to file or record this Indenture of mortgage deed of trust assignment or other instrument whatsoever that may be delivered to it under the terms of this instrument as a mortgage deed of trust or conveyance of real estate or as a chattel mortgage or conveyance of personal property or to renew such deed of trust or mortgage real or personal or to procure any further, other or additional instrument of further assurance or to do any other act for the continuance of the lien or charge thereof or for giving notice of such lien or charge or for extending or supplementing the same nor shall it be any part of its duty to effect insurance against fire or other damage of any portion of the premises or property hereby mortgaged or to renew any policies of insurance or to keep itself informed as to the payment of any taxes or assessments or other payments which the Company should make or to require such payments to be made, or to keep itself informed or to  
give

give notice of any default by the Company in any of the covenants, conditions, agreements and provisos herein or in any instrument herein referred to or recited, it being hereby agreed and declared that as to all the matters and things in this clause referred to, the duty and responsibility shall rest upon the Company and not upon the trustee and the failure of the Company to discharge such duty and responsibility shall not in any way render the trustee liable or cast upon it any duty or responsibility for breach of which it would be liable.

The trustee shall not be responsible for any error or mistake made by it in good faith. The trustee shall not be compelled to take any action as trustee under this mortgage unless first properly indemnified to its full satisfaction, nor shall it be chargeable with notice of any default on the part of the Company except upon delivery to it of a distinct notification in writing of such default by some person or persons interested in the trust whose interest, if the trustee shall require, must be proved to the reasonable satisfaction of the trustee.

In case at any time it shall be necessary and proper for the trustee to make any investigation respecting any fact or facts preparatory to taking or refraining from taking any action, or doing or not doing anything as such trustee, the certificate of the Company under its corporate seal attested by the signature of its president or secretary or the affidavit or statutory declaration of one or more directors shall be conclusive evidence of such facts to protect the trustee in any action or position that it may take or assume by reason of the supposed existence of such facts.

The trustee shall be protected in acting upon any resolution, notice, request, consent, certificate, affidavit declaration, voucher, bond or other paper or document believed by it to be genuine and to have been passed or signed by the proper party.

It is further covenanted and agreed that the trustee under this deed of trust is and shall be entitled to receive compensation for all services required hereunder or any in connection with the trust, which compensation together with any and all necessary and reasonable expenses, charges, costs, counsel fees and other disbursements incurred by the trustee in the discharge of its duty as such shall be paid by the Company or out of the trust estate upon which they are hereby made a lien and charge superior and prior to those of in the bonds secured hereby.

The trustee assumes no responsibility or liability with regard to any covenant, agreement or duty express or implied which should be observed or performed by the Company and its successors.

*Fifteenth.*—If the Company shall well and truly pay the principal sums of money herein required to be by it paid, and all interest thereon, at the time and in the manner herein specified, and shall well and truly keep, perform and observe all the agreements and things herein agreed and required to be kept, performed, observed by it according to the true intent and meaning of this mortgage, then the estate, right, title and interest of the trustee in and to the property, rights, privileges and franchises covered by this mortgage shall cease and determine and this mortgage shall become void, and the said property, rights, privileges and franchises shall revert to the Company, its successors or assigns, without any conveyance of, or on the part of the trustee, but nevertheless, upon the happening of said events the Company, its successors or assigns may require and the trustee shall be obliged to make at the proper costs and charges of the Company a reconveyance of said property rights, privileges and franchises as evidence of such reinvestment of the title to the same in the Company, its successors and assigns and to execute, acknowledge and deliver any instrument which may be necessary or proper to secure the cancellation of this mortgage and the discharge thereof from record, but otherwise the same shall be and remain in full force and virtue.

*Sixteenth*

*Sixteenth.*—It is agreed between the Company on behalf of the stockholders thereof, and the trustee, on behalf of those who may become holders of the bonds secured hereby, that no recourse shall directly or indirectly, be had to any present or future stockholder, director or officer of the Company under or by virtue of any present or future law, for the payment of any principal or interest of any of the said bonds, and that all of the said bonds are subject to the condition that whoever becomes the holder of any of said bonds waives, by the acquisition thereof, all such recourse.

And the trustee hereby accepts the trusts created by this mortgage, and agrees that it will exercise the powers and duties herein set forth to the best of its ability at the times and in the manner, and upon the contingencies and conditions herein mentioned, provided, however, that nothing herein recited shall be construed to prevent it from resigning and discharging itself from the trusts aforesaid and being relieved from all duties of the said trust and all liability in respect thereof upon their application in that behalf after three months' notice in writing to the Company and after a meeting of the bondholders shall have been called in order that the said resignation may be laid before them; provided that such resignation may be accepted by the bondholders upon such shorter notice than three months as a majority in interest of the bondholders may see fit to approve as a sufficient notice herein and provided also that the said trustee and any trustee or trustees appointed hereunder shall at the instance of the bondholders be removable from such office by the vote of the majority in interest of the bondholders passed at a meeting thereof and which vote shall be attested by an instrument in writing under the hands and seals of the persons or parties voting thereon respectively in person or by proxy, and in case of the removal, resignation or disqualification of the present trustee or of any future trustee under this deed a new trustee shall be appointed by the Board of Directors for the time being of the Company, provided that notice thereof shall have been given by advertisement published at least twice a week for three successive weeks in one newspaper published in the City of Toronto, and the official *Gazette* for the Province of Ontario, and unless a majority in interest of the registered holders of the said bonds then outstanding shall within thirty days from the date of such last publication make objection by an instrument or instruments in writing signed by them delivered to the Company, the said appointment shall at the expiration of the said thirty days be considered as assented to and confirmed by the holders of the bonds secured hereby. In case such objection by a majority in amount of the registered holders of said bonds shall be so made as aforesaid the Company shall thereupon apply to a Judge of the Supreme Court of Judicature for the Province of Ontario or other court of competent jurisdiction to appoint instead such trustee or trustees as such court shall see fit and at least ten days' notice of such application shall be given by mail to the registered bondholders to their addresses as appear on the books of the Company, and notice of such application shall be given by one publication in the *Ontario Gazette* and in two newspapers in the City of Toronto, notice so given being declared ample and sufficient; such trustee or trustees so appointed shall have all the right and title and be clothed with all the power and shall be subject to all the duties herein mentioned in the same manner, and to the extent as if named in this mortgage as such trustee or trustees.

*Seventeenth.*—The Company in consideration of the premises hereby covenants and agrees to and with the said trustee its successors and assigns in the trust created by these presents whenever and as often as the Company shall hereafter acquire any additional property, rights, franchises or things whatsoever pertaining to or for use upon said railway hereinbefore conveyed, or any part thereof, the Company and its assigns shall and will acquire, possess and hold the same and every part and parcel thereof upon and sub-  
ject

ject to the trusts of this indenture until conveyance thereof in pursuance of the covenants herein contained shall be duly made and delivered to the trustee for the benefit of the trust by these presents created. The Company for itself and its assigns, hereby further covenants and agrees to and with the trustee and its successors in the trust created by these presents that it will, from time to time, and at all times hereafter, and as often as thereunto requested by the trustee under this indenture, execute, deliver and acknowledge all such further deeds, conveyances and assurances in law for the better assuring unto the trustee upon the trusts herein expressed, the railway aforesaid together with their equipment appurtenances, franchises and all and singular the land, property and things hereinbefore mentioned or described, acquired and to be acquired, and granted or conveyed or agreed, or intended, or contemplated to be granted or conveyed to the trustee or its successors in the trust created by these presents, as by the trustee or by its counsel, learned in law, shall be reasonably advised, devised or required.

*Eighteenth.*—It is hereby declared that the term bondholder or holder of bonds wherever the same appears in this indenture shall be deemed to include and shall include any municipality which has guaranteed or may guarantee any of the said bonds, and which shall pay the same and obtain a transfer thereof so as to be able to deliver the same.

Witness the due execution hereof of the parties hereto under the seals of the respective Companies attested by the signature of the proper officers.

Witness,  
S. C. SMOKE,

E. T. MALONE.

JNO. W. MOYES,  
President.  
(Seal.)  
H. J. A. MACEWAN,  
Secretary.  
JOHN HOSKIN,  
President.  
(Seal.)  
J. W. LANGMUIR,  
Managing-Director.

## CHAPTER 140.

## An Act to incorporate The Ottawa and St. Lawrence Electric Railway Company.

*Assented to 13th April, 1909.*

## Preamble.

WHEREAS, William J. Armitage, of the Township of Torbolton, in the County of Carleton, Farmer; W. L. Redmond, of Iroquois, Farmer; W. P. Walker, of Cardinal, Farmer; M. S. Beckstead, of Williamsburg, Farmer; F. Iveson, of the Village of Metcalfe, County of Russell, Clerk; C. S. Cossitt, of the Town of Brockville, Manufacturer; L. H. Daniels, of Prescott, Merchant; Thomas Berney, of Athens, Merchant; J. L. Rolston of Metcalfe, Merchant; W. O. Riddell, of March, Farmer, and John E. Askwith, of the City of Ottawa, Contractor, have by their petition prayed for incorporation under the name of The Ottawa and St. Lawrence Electric Railway Company for the purpose of constructing and operating by electricity or other motive power, except steam, a railway from a point on the boundary line between the Province of Quebec and the Province of Ontario, situate in the Township of Lancaster, in the County of Glengarry, running westerly along the north shore of the St. Lawrence River to and through the said Township of Lancaster and the Township of Charlottenburgh, in the said County of Glengarry, and the Township of Cornwall in the County of Stormont to the Town of Cornwall in the said County of Stormont, thence through the said Township of Cornwall and the Township of Osnabruck, in the said County of Stormont, the Townships of Williamsburg and Matilda, in the County of Dundas, the Townships of Edwardsburg and Augusta, in the County of Grenville, and the Township of Elizabethtown, in the County of Leeds, to the Town of Brockville, in the said County of Leeds, thence northwesterly through the Counties of Leeds and Lanark to the Township of Darling. in the said County of Lanark, touching the Villages of Athens, in the Township of Young, in the said County of Leeds, and Lanark, in the Township of Lanark, in the said County

County of Lanark, and the Town of Perth, in the said County of Lanark, and connecting with the Lanark County Electric Railway; and from the Town of Morrisburg, in the said County of Dundas, north through the Counties of Dundas, Russell and Carleton to the City of Ottawa, in the County of Carleton, connecting with the Lanark County Electric Railway, touching the Villages of Winchester and Ormond, in the Township of Winchester, in the County of Dundas, and the Villages of Kenmore and Metcalfe, in the Township of Osgoode, in the County of Carleton; with a branch from the said Village of Kenmore to the Village of Russell, in the Township of Russell, in the County of Russell, connecting with the Ottawa and New York Railway; with power to amalgamate with the said Lanark County Electric Railway Company and all railway lines intersecting, and to acquire by purchase any electric railway within the territory comprised herein; to arrange with the Brockville, Westport and Western Railway Company for trackage on that part of the line between the Town of Brockville and the Village of Athens; to acquire by agreement running rights over the tracks of the Cornwall Electric Railway in the Town of Cornwall and Township of Cornwall; to own and operate restaurants, and news stands along the said line and to dispose of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said line, subject to the provisions of *The Power Commission Act*; and whereas <sup>7 Edw. VII., c. 19.</sup> it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said William J. Armitage, W. L. Redmond, W. P. Walker, M. S. Beckstead, Frank Iveson, C. S. Cossett, L. H. Daniels, Thomas Berney, J. L. Rolston, W. O. Riddell and John E. Askwith and such other persons, firms and corporations as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic under the name of "The Ottawa and St. Lawrence Electric Railway Company." <sup>Incorporation.</sup>

2. The Company may survey, lay out, construct, equip, maintain and operate by electricity or other motive power <sup>Location of line.</sup> except steam, a railway from a point on the boundary line between the Province of Quebec and the Province of Ontario, situate in the Township of Lancaster, in the County of Glengarry, running westerly along the north shore of the St. Lawrence River to and through the said Township of Lancaster and the Township of Charlottenburgh, in the said County of Glengarry and the Township of Cornwall,



wall, in the County of Stormont to the Town of Cornwall, in the said County of Stormont, thence through the said Township of Cornwall, and the Township of Osnabruck, in the said County of Stormont, the Townships of Williamsburg and Matilda in the County of Dundas, the Townships of Edwardsburg and Augusta in the County of Grenville, and the Township of Elizabethtown, in the County of Leeds; to the Town of Brockville, in the said County of Leeds; thence northwesterly through the Counties of Leeds and Lanark to the Township of Darling, in the said County of Lanark, touching the Villages of Athens, in the Township of Young, in the said County of Leeds, and Lanark, in the Township of Lanark, in the said County of Lanark, and the Town of Perth, in the said County of Lanark, and connecting with the Lanark County Electric Railway; and from the Town of Morrisburg, in the said County of Dundas, north through the Counties of Dundas, Russell and Carleton, to the City of Ottawa, in the County of Carleton, connecting with the Lanark County Electric Railway, touching the Villages of Winchester and Ormond, in the Township of Winchester, in the County of Dundas, and the Villages of Kenmore and Metcalfe, in the Township of Osgoode, in the County of Carleton; with a branch from the said Village of Kenmore to the Village of Russell, in the Township of Russell, in the County of Russell, connecting with the Ottawa and New York Railway.

Power to  
amalgamate  
and make  
running  
arrangements  
with other  
companies.

3.—(1) The company may, subject to the provisions of section 58 of *The Ontario Railway Act, 1906*,

- (a) Amalgamate with the said Lanark County Electric Railway Company and all railway lines intersecting;
- (b) Acquire by purchase any electric railway within the territory comprised herein;
- (c) Arrange and contract with The Brockville, Westport and Western Railway Company for trackage on that part of the line between the City of Brockville and Athens; and
- (d) Acquire by agreement running rights over the tracks of the Cornwall Electric Railway Company,

Operate restaurants, etc.

and may own and operate restaurants and news stands along said railway.

Contracts for disposing of power.

(2) The Company may enter into contracts for the purpose of disposing of electricity for lighting and power purposes to municipalities, corporations and persons along said railway, subject to the provisions of *The Power Commission Act*.

7 Edw. VII., c. 19.



(3) The Company shall not supply electricity in any municipality except under a by-law passed by the council of the municipality or under an agreement entered into with the municipal corporation and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by The Hydro-Electric Power Commission of Ontario.

(4) The rates chargeable by the Company for supplying electricity shall at all times be subject to the supervision of The Hydro-Electric Power Commission of Ontario and upon the complaint in writing of any municipal corporation, company or person that the Company is charging rates which are excessive or unfair or is unjustly discriminating against or in favour of any municipal corporation, company or person, the Chairman of the Commission may appoint a time and place at which the said Commission, or some member thereof will hear and determine the matter in dispute. Rates for supply.

(5) Such notice of such appointment as the Chairman may direct shall be given by the Secretary of the said Commission to all parties concerned. At the time and place appointed the said Commission, or, with the consent of all parties, any member of the said Commission, shall hear and determine the matter in dispute and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the Company, and directing the amendment of any by-law or agreement accordingly. Disputes as to rates charged.

(6) The said Commission or the member thereof conducting the hearing shall have the powers authorized to be conferred upon a Commissioner appointed under *The Public Inquiries Act*. Powers of Commission.  
8 Edw. VII.  
c. 8.

(7) If the Company neglects or refuses to obey and carry out the order or direction of the said Commission or the member thereof conducting such case it shall forfeit to His Majesty for the uses of the Province the sum of \$100 for every day during which such refusal or neglect shall continue. Penalty for disobeying orders of Commission.

4. The capital stock of the Company shall be \$1,000,000.00. Capital stock.

5. The said William J. Armitage, W. L. Redmond, W. P. Walker, M. S. Beckstead, F. Iveson, C. S. Cossitt, L. H. Daniels, Thomas Berney, J. L. Rolston, W. O. Riddell and John E. Askwith shall be the provisional directors of the Company. Provisional directors.

Head office.        6. The head office of the Company shall be at the City of Ottawa.

Number of directors.        7. The number of the directors shall not be less than five and not more than nine.

Bonds.                8. The Company may issue bonds, debentures or other securities to the extent of \$20,000 per mile of railway constructed or under contract to be constructed.

Application of  
6 Edw. VII.,  
c. 30.                9. Except as herein otherwise provided the provisions of *The Ontario Railway Act, 1906*, in so far as they apply to railways operated by electricity shall apply to the Company and the railway to be constructed by it.

## CHAPTER 141.

## An Act to incorporate The Peoples Railway Company.

*Assented to 13th April, 1909.*

WHEREAS William Alfred Bugg, Company Manager; Preamble.  
Aaron Nathaniel Warfield, Merchant; Joseph McNeel, Secretary to Securities Company, all of the City of Toronto; John Haseldon Wood, of the City of Hereford, England, Draughtsman; William John Curtis Madden, of the City of Calgary, President Realty Company; Nathan Richard Bugg, of the Village of Bright, in the County of Oxford, Financial Agent, and Ralph Ernest MacNeel, of the Town of Delphi, in the State of Indiana, Agent, have, by their petition, prayed for an Act of Incorporation under the name of "The Peoples Railway Company" for the purpose of constructing, maintaining and operating by electricity or other motive power, except steam, a railway from some point in or near the City of Woodstock, in the County of Oxford, by way of the Villages of Plattsville in the Township of Blenheim, in the said County of Oxford, New Hamburg and Baden in the Township of Wilmot in the County of Waterloo, and the Town of Berlin in the said County of Waterloo, the City of Guelph in the County of Wellington, and the Villages of Fergus in the Township of West Garafraxa, and Elora in the Township of Nichol in the said County of Wellington to the Village of Arthur in the Township of Arthur in the said County of Wellington, with a branch from, at or near the said Village of New Hamburg to the City of Stratford in the County of Perth via the Village of Tavistock in the Township of East Zorra in the said County of Oxford; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said William Alfred Bugg, Aaron Nathaniel Incorporation.  
Warfield, Joseph McNeel, John Haseldon Wood, William  
John

John Curtis Madden, Nathan Richard Bugg and Ralph Ernest MacNeel, and such other persons, firms and corporations as shall hereafter become shareholders of the said Company are hereby constituted a body corporate and politic under the name of "The Peoples Railway Company," hereinafter called "the Company."

Location of  
line.

2. The Company is hereby authorized and empowered to survey, lay out, construct, equip and operate by electricity or other motive power, except steam, a railway from some point in or near the City of Woodstock in the County of Oxford by way of the Villages of Plattsville in the Township of Blenheim in the said County of Oxford, New Hamburg and Baden in the Township of Wilmot in the County of Waterloo, and the Town of Berlin in the said County of Waterloo, the City of Guelph in the County of Wellington, and the Villages of Fergus in the Township of West Garafraxa, and Elora in the Township of Nichol in the said County of Wellington, to the Village of Arthur in the Township of Arthur in the said County of Wellington, with a branch from, at or near the said Village of New Hamburg to the City of Stratford in the County of Perth via the Village of Tavistock in the Township of East Zorra in the said County of Oxford.

Provisional  
directors.

3. The said William Alfred Bugg, Aaron Nathaniel Warfield, Joseph McNeel, John Haseldon Wood, William John Curtis Madden, Nathan Richard Bugg, and Ralph Ernest MacNeel, shall be and are hereby constituted a board of provisional directors of the Company.

Capital stock.

4. The capital stock of the Company shall be one million dollars.

Head office.

5. The head office of the Company shall be at the Town of Berlin, in the County of Waterloo.

Directors.

6. The number of directors of the Company shall not be less than five nor more than fifteen.

Bonds.

7. The Company may issue bonds, debentures or other securities to not exceeding \$20,000 per mile of the railway constructed or under contract to be constructed; provided that the proceeds of all bonds sold by or on behalf of the Company shall be used in the purchase of right of way, engineering, surveys, construction and equipment of the said railway, and provided also that no part of the proceeds of preference stock or of bonds sold by the Company shall be used in payment of any expenses incurred in the promotion of the Company or in the payment of salaries of president, directors or officers of the Company.

8. The Ontario Railway and Municipal Board shall have the power to regulate the salaries to be paid to the President and other officers and the directors and manager of the Company in the same manner and to the same extent as the said Board has power to supervise or regulate the tariff of charges for transportation of passengers or freight upon railways. <sup>Power to regulate salaries, etc.</sup>

9. The provisions of *The Ontario Railway Act, 1906*, in so far as they apply to railways operated by electricity shall apply to the Company and to the railway to be constructed by it. <sup>Application of 6 Edw. VII, c. 30.</sup>

## CHAPTER 142.

An Act respecting The Peterborough Radial  
Railway Company.*Assented to 13th April, 1909.*

Preamble.

**W**HEREAS The Peterborough Radial Railway Company was incorporated by an Act of the Legislature of Ontario, passed in the second year of His Majesty's reign, Chaptered 91, and by said Act and an amending Act passed by said Legislature in the sixth year of His Majesty's reign, Chaptered 116, was authorized to construct certain lines of railway and has constructed and is maintaining a line of railway in the City of Peterborough and Township of North Monaghan, and has by its petition prayed for an extension of time for the completion of the whole undertaking; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Time for  
completion.

1. The time for completion of the section of the said railway from the City of Peterborough in the County of Peterborough, to the Village of Lakefield, in the said County of Peterborough, is extended to the 1st day of August, 1910; the time for the completion of the section of the said railway from the said Village of Lakefield, through the Township of Douro or the Township of Smith, to Clear Lake is extended to the 1st day of August, 1911; and the time for the completion of the whole undertaking referred to in the said Acts is extended to the 1st day of August, 1912.

Act to be of no  
effect in respect  
of railway not  
completed  
within time  
limited.

2. If the said sections of the said railway and the whole undertaking are not completed within the respective times limited as aforesaid, then the powers granted by said Acts and by this Act shall cease and be null and void as respects so much of the said railway as remains uncompleted within the respective times so limited as aforesaid.

CHAPTER

## CHAPTER 143.

An Act to incorporate The Sault Ste. Marie and  
St. Joseph Island Railway Company.*Assented to 13th April, 1909.*

**W**HEREAS Thomas Joseph Foster, Merchant; Henry <sup>Preamble.</sup> P. Fremlin, Lumberman; G. Herbert L. Armstrong, Physician; and Fred C. Armstrong, Wharfinger, all of the Village of Richards' Landing on St. Joseph Island in the District of Algoma; William J. Totten, Merchant; Edwin Stubbs, Gentleman; and Henry E. Bishop, Agent, all of the Village of Marksville on said St. Joseph Island; George Fish, Farmer, and Everett Crowder, Farmer, both of the Township of Jocelyn on said St. Joseph Island; and Percival T. Rowland, of the Town of Sault Ste. Marie, in said District, Barrister-at-law, have by their petition prayed for an Act of incorporation under the name of "The Sault Ste. Marie and St. Joseph Island Railway Company," for the purpose of constructing and maintaining a railway from a point on or near the line of the Canadian Pacific Railway in the Municipality of Johnson, Tarbutt and Tarbutt Additional, in the said District of Algoma, to the Villages of Richards' Landing and Marksville on St. Joseph Island in said District, and to a point or points in the Municipality of Jocelyn on said St. Joseph Island, and from such first named point in the Municipality of Johnson, Tarbutt and Tarbutt Additional, westerly to a point in or near the Town of Sault Ste. Marie in said District, and have by their petition represented that the natural resources of said St. Joseph Island will be materially developed and that the construction and operation of said railway will beneficially assist the inhabitants of, and will develop that section of the said District of Algoma to be served thereby; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. The said Thomas Joseph Foster, Henry P. Fremlin, G. Herbert L. Armstrong, Fred C. Armstrong, William J. Totten, Edwin Stubbs, Henry E. Bishop, George Fish, Everett Crowder and Percival T. Rowland, and such other persons, firms and corporations as shall hereafter become shareholders of the said Company, are constituted a body corporate and politic under the name of "The Sault Ste. Marie and St. Joseph Island Railway Company," hereinafter called "the Company."

Location of line.

2. The Company is authorized and empowered to survey, lay out, construct, complete, equip, and maintain a railway by the most feasible route or routes from a point on or near the line of the Canadian Pacific Railway in the Municipality of Johnson, Tarbutt and Tarbutt Additional in the District of Algoma, through said Municipality to, and on, and across Campement D'Ours Island to a point on St. Joseph Island at or near Gawas Bay or from such first named point through said municipality to a point on said St. Joseph Island at or near Boulanger Point, thence to the villages of Richards' Landing and Marksville, and by the most feasible route or routes thence to a point or points in the Municipality of Jocelyn on St. Joseph Island; and a line of railway by the most feasible route or routes from or near such first named point in the Municipality of Johnson, Tarbutt and Tarbutt Additional, or from a point on the said line of railway hereinbefore authorized, westerly to a point in or near the Town of Sault Ste. Marie in said District of Algoma; and to construct and operate in connection with the railway necessary car ferry or ferries between the mainland and said Islands and between the said Islands; and to build branch lines from the said main lines hereinbefore authorized, none of which branch lines are to exceed twelve miles in length.

Provisional directors.

3. The said Thomas Joseph Foster, G. Herbert L. Armstrong, William J. Totten, Henry E. Bishop and Percival T. Rowland shall be the Provisional Directors of the Company.

Number of directors.

4. The number of Directors shall not be less than five and not more than nine.

Capital stock.

5. The capital stock of the Company shall be \$500,000.

Head office.

6. The head office of the Company shall be at the Town of Sault Ste. Marie aforesaid.



7.—(1) The Company may also, for the purposes of, and in connection with its undertaking in the said District of Algoma; Additional powers.

(a) Construct, equip, maintain and operate bridges on the said lines of railway for general traffic purposes, and exercise the rights, powers and privileges usually exercised and enjoyed by bridge companies including the right to tolls for the use of such bridges. Construction and operation of bridges.

(b) Build, acquire, maintain, operate and dispose of hotels. Hotels.

(2) The rates chargeable by the Company for tolls for the use of such bridges shall at all times be subject to the supervision of "The Ontario Railway and Municipal Board," and upon the complaint in writing of any municipal corporation, company or person that the Company is charging tolls which are excessive or unfair or is unjustly discriminating against or in favour of any municipal corporation, company or person, the Chairman of the Board may appoint a time and place at which the Board or some member thereof will hear and determine the matter in dispute.

(3) Such notice of such appointment as the Chairman may direct shall be given by the Secretary of the Board to all parties concerned. At the time and place appointed the Board or with the consent of all parties any member of the Board shall hear and determine the matter in dispute and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the Company and directing the amendment of any by-law or agreement accordingly.

(4) The Board or the member thereof conducting the hearing shall have and may exercise any of the powers conferred upon the Board by *The Ontario Railway and Municipal Board Act, 1906*.

(5) If the Company neglects or refuses to obey and carry out the order or direction of the Board or the member thereof conducting such case it shall forfeit to His Majesty for the use of the Province the sum of \$100 for every day during which such refusal or neglect shall continue.

8. The Company may, subject to the provisions of *The Ontario Railway Act, 1906*, enter into agreements with any municipalities and with other companies carrying on any business hereby authorized touching any matter or matters connected with the carrying out of the purposes or objects of the Company as herein specifically set forth. Agreements with municipalities, &c.

Construction  
of line by  
sections.

9. The Company may make the surveys and levels of the land through which the said railway is to pass, together with the map or plan and book of reference thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and deposit the same as required by the clauses of *The Ontario Railway Act, 1906*, with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the Company may from time to time see fit, so that no one of such sections or portions shall be less than two miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections and portions of the said railway, all and every of the clauses of *The Ontario Railway Act, 1906*, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the land through which the whole of the said railway is to pass, together with the map or plan and book of reference of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of *The Ontario Railway Act, 1906*. The construction of the railway in sections may be commenced at such points on the line of railway as the directors may determine.

Operation of  
sections.

10. Whenever any section of the said railway of not less than two miles has been completed, the Company may take steps authorized by section 163 of *The Ontario Railway Act, 1906*, to be taken before a railway or a portion thereof is opened for the carriage of traffic, and, with the permission of the Board, as set forth in the said section, the Company may open and operate such section as if it were a completed road, and all the sections of this Act and of *The Ontario Railway Act, 1906*, applicable thereto shall thereupon apply to the said section as if it were a completed road, and to its operation.

Bonds.

11. The Company may issue bonds, debentures or other securities to the extent of forty thousand dollars per mile of railway constructed or under contract to be constructed.

Issue of debentures for construction of vessels, etc.

12. The Company may in addition from time to time issue bonds, debentures, perpetual or terminal, debenture stock or other securities for the construction or acquisition of any vessel, ferry properties, works or assets other than the railway which the Company is authorized to construct, equip, acquire, maintain and operate, but such bonds, debentures, perpetual or terminal debenture stock or other securities

securities shall not exceed in amount the value of such vessels, ferries, properties, works or assets so constructed, equipped, acquired, maintained and operated.

13. For the purpose of securing the issue and payment of its bonds, debentures, debenture stock or other securities the Company may execute mortgages on the property, assets, rents and revenues of the Company other than the railway present or future as is herein described. The provisions of *The Ontario Railway Act, 1906*, relative to the issue of such securities in respect to the railway shall as far as they are applicable apply to such bonds, debentures, debenture stock or other securities or mortgages.

Mortgages  
securing  
debentures.

14. The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act, shall apply to the said Company and to the railway constructed or to be constructed by it.

Application of  
6 Edw. VII,  
c. 30.

## CHAPTER 144.

An Act to extend the time to construct the Stratford and St. Joseph Radial Railway.

*Assented to 13th April, 1909.*

Preamble.

WHEREAS The Stratford and St. Joseph Radial Railway Company was incorporated by an Act passed in the seventh year of His Majesty's reign, Chaptered 109, for the purpose of constructing and operating an electric railway between the points set out in the said Act; and whereas the Company has by its petition represented that on account of the money market and the financial stringency which has prevailed since the passing of the said Act it has been unable to commence the construction of the railway and has prayed that the time for the commencement and completion thereof be further extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for commencement and completion.

1. The railway authorized by the said Act and by this Act shall be commenced within one year and completed within two years after the passing of this Act; and if the construction of the railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within one year after the passing of this Act, or if the railway is not completed and put in operation within two years from the passing of this Act, then the powers granted to the Company by the said Act and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

## CHAPTER 145.

## An Act to incorporate Simcoe Railway and Power Company.

*Assented to 13th April, 1909.*

**W**HEREAS James Playfair, lumberman; Douglas Leland White, lumberman; William Finlayson, barrister-at-law, all of the Town of Midland, in the County of Simcoe; Charles Henry Sheppard, lumberman; William Henry Francis Russell, lumberman, both of the Town of Waubauskene, in the County of Simcoe, and William James Lovering, of the City of Toronto, in the County of York, lumberman, have by their petition prayed for an Act of Incorporation under the name of "Simcoe Railway and Power Company," for the purpose of surveying, laying out, constructing, completing, equipping and maintaining a railway to be operated by electricity or other motive power, except steam, from some point at, in or near the Town of Penetanguishene, in the County of Simcoe, easterly, passing through the Town of Midland, and the Township of Tay, and the unincorporated Villages therein of Victoria Harbour, Sturgeon Bay, Tannerville, Waubauskene and Fesserton, and part of the Township of Medonte, to some point in or near the Village of Coldwater, in the said County of Simcoe, with power to develop the water power on the Severn River, known as the Big Shute, and to take a Lease thereof from the Crown and such other power as may be necessary from time to time, and to transmit such power along the said line, and to such other places in the County of Simcoe and District of Muskoka as to the said Company may seem proper, and with power to sell the excess of the said power, and subject to the provisions of *The Power Commission Act*, to have, use and exercise all the powers and privileges enjoyed by companies incorporated under the provisions of the *Act respecting Companies for supplying Steam, Heat, Electricity, or Natural Gas for Heat, Light, or Power*, and with power to erect, establish and operate hotels and sanitariums in connection with the said railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Incorporation.** 1. The said James Playfair, Douglas Leland White, William Finlayson, Charles Henry Sheppard, William Henry Francis Russell and William J. Lovering, together with such other persons as become shareholders in the Company hereafter, are hereby constituted a body corporate and politic under the name of "Simcoe Railway and Power Company."
- Provisional Directors.** 2. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.
- Capital stock.** 3. The capital stock of the said Company shall be \$500,000.
- Head office.** 4. The head office of the Company shall be at the Town of Midland, in the County of Simcoe.
- Annual meeting.** 5. The annual meeting of the shareholders of the said Company shall be held on the first Tuesday in February in each year, or on such other date as the Board of Directors shall from time to time appoint, with the approval of the shareholders of the said Company.
- Directors.** 6. The Board of Directors of the said Company shall consist of not less than five and not more than nine persons.
- Location of line.** 7. The Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by electricity, or other motive power, except steam, from a point in or near the Village of Penetanguishene, in the County of Simcoe, easterly to the Town of Midland, and passing through the Township of Tay and the unincorporated villages therein of Victoria Harbor, Sturgeon Bay, Tannerville, Waubauskene, and Fesserton, and part of the Township of Medonte, to some point in or near the Village of Coldwater, in the County of Simcoe.
- Application of power conferred by Rev. Stat. c. 200.** 8.—(1) The Company shall have, use, exercise and enjoy all the rights, powers and privileges granted to and conferred upon companies incorporated by letters patent under the provisions of *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Light, Heat or Power.*

(2) The Company shall not supply steam, heat, electricity or natural gas in any municipality except under a by-law passed by the Council of the municipality or under

under an agreement entered into with the municipal corporation, and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by The Hydro-Electric Power Commission of Ontario.

(3) The rates chargeable by the Company for supplying electricity shall at all times be subject to the supervision of The Hydro-Electric Power Commission of Ontario and upon the complaint in writing of any municipal corporation, company or person that the Company is charging rates which are excessive or unfair, or is unjustly discriminating against or in favour of any municipal corporation, company or person, the chairman of the Commission may appoint a time and place at which the said Commission or some member thereof will hear and determine the matter in dispute.

(4) Such notice of such appointment as the chairman may direct shall be given by the Secretary of the said Commission to all parties concerned. At the time and place appointed the said Commission, or with the consent of all parties any member of the said Commission, shall hear and determine the matter in dispute and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the Company and directing the amendment of any by-law or agreement accordingly.

(5) The said Commission or the member thereof conducting the hearing shall have the powers authorized to be conferred upon a Commissioner appointed under *The Public Inquiries Act*. 6 Edw. VII. c. 31.

(6) If the Company neglects or refuses to obey and carry out the order or direction of the said Commission or the member thereof conducting such case, it shall forfeit to His Majesty for the uses of the Province the sum of \$100 for every day during which such refusal or neglect shall continue.

(7) The Company shall keep entirely separate and distinct all accounts, contracts, statements and records thereof relating to the construction, development and transmission of the said Power, and such accounts shall not in any way become involved or mixed with the accounts for the construction, maintenance or operation of the said railway.

9. The Company shall have power and authority to erect, establish, equip and operate hotels and sanitariums, in connection with the said railway. Power to erect hotels, etc.

10. The Company may issue bonds, debentures or other securities to the extent of \$20,000 per mile of railway constructed or under contract to be constructed and such further Issue of bonds.

Rev. Stat.  
c. 200.

further sums as may be necessary for the building of any works provided for by the preceding section of this Act, or under the provisions of *The Act respecting Companies for supplying Steam, Heat, Electricity, or Natural Gas for Light, Heat or Power*, as provided for by section 8 of this Act, but no debentures for such works shall exceed the actual cost of the work for which they are issued.

Application of  
6 Edw. VII.,  
c. 30.

11. Save as herein otherwise provided *The Ontario Railway Act, 1906*, shall apply to the said Company and the railway to be constructed by it.



## CHAPTER 146.

## An Act respecting the South Western Traction Company.

*Assented to 13th April, 1909.*

**W**HEREAS The South Western Traction Company was <sup>Preamble.</sup> incorporated by an Act (hereinafter called the said Act) passed by the Legislature of the Province of Ontario in the second year of His Majesty's reign, Chaptered 96, as amended by an Act passed in the third year of His Majesty's reign, Chaptered 115, and as further amended by an Act passed in the fourth year of His Majesty's reign, Chaptered 89, and as further amended by an Act passed in the sixth year of His Majesty's reign, Chaptered 121, and as further amended by an Act passed in the eighth year of His Majesty's reign, Chaptered 136, for the purpose of constructing and operating a system of electric railways from, to and between the points set out in the said Acts; and whereas the Company has by its petition prayed that the Company may be empowered to issue and secure further bonds (in excess of the amount of bonds allowed by the said Act) for the purpose of meeting extraordinary and unforeseen expenditure; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Company may, in addition to the bonds already issued by it, issue mortgage bonds to the holders of the existing bonds not exceeding \$6,000 per mile now under operation, but such bonds shall not be sold at less than ninety per cent. of the par value thereof. <sup>Issue of Second Mortgage bonds.</sup>

## CHAPTER 147.

## An Act to incorporate The Tillsonburg and Southern Counties Radial Railway Company.

*Assented to 13th April, 1909.*

## Preamble.

WHEREAS William S. Law, of the Town of Tillsonburg, in the County of Oxford, Town Treasurer; Eleanor Law, of the said Town of Tillsonburg, Spinster; S. S. Clutton, of the Village of Vienna, in the County of Elgin, Postmaster; Charles Law, of the City of Toronto, in the County of York, Druggist, and John Smith, of the said Town of Tillsonburg, Capitalist, have petitioned for an Act of Incorporation under the name of "The Tillsonburg and Southern Counties Radial Railway Company" for the purpose of constructing and maintaining a railway to be operated by electricity from the said Town of Tillsonburg to the Village of Port Burwell in the Township of Bayham in the said County of Elgin, passing through the Township of Middleton in the County of Norfolk and the said Township of Bayham; from the said Town of Tillsonburg to the Town of Ingersoll in the said County of Oxford, passing through the Townships of Dereham and East Oxford in the said County of Oxford; from the said Town of Tillsonburg through the Townships of Middleton and North Walsingham in the County of Norfolk to the Village of Langton in the said Township of North Walsingham; from the said Town of Tillsonburg to the Village of Delhi in the said Township of Middleton; and from the said Town of Tillsonburg to the City of London in the County of Middlesex, passing through the said Township of Dereham, the Township of South Dorchester, in the said County of Elgin and the Township of Westminster in the said County of Middlesex; and with power to dispose of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said line, subject to the provisions of *The Power Commission Act.*; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said William S. Law, Eleanor Law, S. S. Clutton, <sup>Incorporation.</sup> Charles Law, and John Smith, together with such other persons as may hereafter become shareholders in the said Company, are hereby constituted a body corporate and politic under the name of "The Tillsonburg and Southern Counties Radial Railway Company," hereinafter called "the Company."

2. The persons named in section one of this Act are <sup>Provisional</sup> hereby constituted the provisional directors of the Company. <sup>directors.</sup>

3. The head office of the Company shall be at the Town <sup>Head office.</sup> of Tillsonburg, in the County of Oxford.

4. The capital stock of the Company shall be \$150,000. <sup>Capital stock.</sup>

5. The number of Directors shall not be less than five <sup>Directors.</sup> nor more than nine.

6. The annual meeting of the shareholders shall be held <sup>Annual</sup> on the first Wednesday of the month of March in each <sup>meeting.</sup> year.

7. The Company may survey, lay out, construct, complete, <sup>Location of</sup> equip and maintain an electric railway from the said <sup>line.</sup> Town of Tillsonburg to the Village of Port Burwell in the Township of Bayham in the said County of Elgin, passing through the Township of Middleton in the County of Norfolk and the said Township of Bayham; from the said Town of Tillsonburg to the Town of Ingersoll in the said County of Oxford, passing through the Townships of Dereham and East Oxford in the said County of Oxford; from the said Town of Tillsonburg through the Townships of Middleton and North Walsingham in the County of Norfolk to the Village of Langton in the said Township of North Walsingham; from the said Town of Tillsonburg to the Village of Delhi in the said Township of Middleton; and from the said Town of Tillsonburg to the City of London in the County of Middlesex, passing through the said Township of Dereham, the Township of South Dorchester in the said County of Elgin, and the Township of Westminster in the said County of Middlesex.

8. The Company may issue bonds, debentures or other <sup>Issue of bonds.</sup> securities not exceeding \$20,000 per mile of railway constructed or under contract to be constructed.

9.—(1) The company may enter into contracts for the <sup>Contracting</sup> purpose of disposing of surplus electricity for lighting and <sup>for disposing</sup> power purposes to municipalities, corporations and persons <sup>of power.</sup> along said railway subject to the provisions of *The Power Commission Act*.

7 Edw. VII..  
c. 19.

Restrictions in municipalities.

(2) The Company shall not supply electricity in any municipality except under a by-law passed by the council of the municipality or under an agreement entered into with the municipal corporation, and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by The Hydro-Electric Power Commission of Ontario.

Rates for supply.

(3) The rates chargeable by the Company for supplying electricity shall at all times be subject to the supervision of The Hydro-Electric Power Commission of Ontario and upon the complaint in writing of any municipal corporation, company or person that the Company is charging rates which are excessive or unfair or is unjustly discriminating against or in favour of any municipal corporation, company or person, the Chairman of the Commission may appoint a time and place at which the said Commission, or some member thereof will hear and determine the matter in dispute.

Disputes as to rates charged.

(4) Such notice of such appointment as the Chairman may direct shall be given by the Secretary of the said Commission to all parties concerned. At the time and place appointed the said Commission, or, with the consent of all parties, any member of the said Commission, shall hear and determine the matter in dispute and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the Company, and directing the amendment of any by-law or agreement accordingly.

Powers of Commission.

8 Edw. VII.  
c. 8.

(5) The said Commission or the member thereof conducting the hearing shall have the powers authorized to be conferred upon a Commissioner appointed under *The Public Inquiries Act*.

Penalty for disobeying orders of Commission.

(6) If the Company neglects or refuses to obey or carry out the order or direction of the said Commission or the member thereof conducting such case it shall forfeit to His Majesty for the uses of the Province the sum of \$100 for every day during which such refusal or neglect shall continue.

Application of 6 Edw. VII.  
c. 30.

10. The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act, shall so far as applicable to railways operated by electricity, apply to the said Company and the railway operated by it.

## CHAPTER 148.

An Act respecting The Toronto Suburban  
Railway Company.*Assented to 13th April, 1909.*

WHEREAS The Toronto Suburban Railway Company Preamble. was incorporated by an Act passed in the 57th year of Her late Majesty's reign, Chaptered 94, intituled *An Act to incorporate the Toronto Suburban Street Railway Company, Limited*, and has by petition represented that the Company has constructed and is now operating its railway in the City of West Toronto, formerly the Town of Toronto Junction, and surrounding municipalities; and that by an Act passed in the 63rd year of Her late Majesty's reign, Chaptered 124, the name of the Company was changed to the Toronto Suburban Railway Company; and whereas by an Act passed in the first year of the reign of His Majesty, Chaptered 91, intituled *An Act respecting The Toronto Suburban Railway Company*, the Company was authorized to extend its line of railway from its terminus at Lambton Mills, in the Township of York, in the County of York, to some point in the City of Hamilton, in the County of Wentworth; and whereas by an Act passed in the fourth year of the reign of His Majesty, Chaptered 94, the Company was authorized to further extend its railway from a point in or near the City of Hamilton, in the County of Wentworth, to some point in or near the Town of Niagara Falls, in the County of Welland, with a branch from a point on the line of railway already constructed in or near the Village of Weston or some point between the Village of Weston and the north limit of the Township of York, to the Village of Woodbridge, in the County of York, and also from a point on the line of railway already constructed in or near the Village of Weston or the Village of Lambton Mills, to the Town of Brampton, in the County of Peel, and also from a point on the line of railway thereby authorized in the Township of Thorold to the City of St. Catharines, in the County of Lincoln; and to the Town of Port Colborne, in the County of Welland; and whereas the said Act of Incorporation

ratified

ratified and confirmed a certain Indenture by way of mortgage to secure an issue of bonds upon the said railway; and whereas the time within which the said extensions were to be completed has expired, and the Company has by its petition asked for an extension of time for the completion thereof, and has asked that a mortgage deed to secure a new issue of bonds be ratified; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Mortgage set  
out in Schedule  
"A" confirmed.

1. The deed of mortgage securing an issue of bonds to the extent of \$30,000 per mile of the said railway and extensions thereof as set out in Schedule "A" to this Act dated the first day of March, A.D. 1909, in favour of the National Trust Company, Limited, as trustees for the bondholders and the bonds issued as therein provided are and each of them is hereby ratified and confirmed and declared to be valid and within the powers and authority of The Toronto Suburban Railway Company and the said bonds shall be and become an obligation of the said railway Company and the said deed and the said bonds are hereby declared to be binding upon and an obligation of the said railway Company, and the said railway Company may after the consent of the holders thereof has been given in writing and verified by statutory declaration deposited in the office of the Provincial Secretary recall and cancel the said issue, and upon such calling in and cancellation of the said bonds, the mortgage executed for the further securing the same shall be discharged and cease to be a charge upon the undertaking and property of the said railway Company, and the said railway Company may make a new issue of bonds and any necessary deed to secure the same for a like amount or for any further amount at any time or from time to time, but so that the total amount of bonds outstanding and unpaid at any one time shall not exceed \$30,000 per mile of the said railway or authorized extensions thereof.

Time of  
completion  
extended.

2. Notwithstanding anything contained in the Act passed in the first year of His Majesty's reign, Chaptered 91 or in the Act passed in the 4th year of His Majesty's reign, Chaptered 94, or in *The Ontario Railway Act, 1906*, the extensions and branches of the said railway authorized by the said Acts may be completed within five years from the passing of this Act and if the said extensions and branches of the said railway are not commenced, and fifteen per cent. of the amount of capital stock of the said railway is not expended in the construction of the said extensions

extensions and branches within two years from the passing of this Act, and if the said extensions and branches are not completed and put in operation within five years from the passing of this Act, then the powers granted to the said Company by the said Acts shall cease and be null and void as respects so much of the said extensions and branches as then remains uncompleted.

#### SCHEDULE "A."

This Indenture made the first day of March, A.D. 1909, Between The Toronto Suburban Railway Company hereinafter called "the Company" of the First Part, and The National Trust Company, Limited, a Company having its head office in the City of Toronto, and hereinafter called "the Trustees" of the Second Part.

Whereas the Company was incorporated by an Act of the Legislature of the Province of Ontario, passed in the year 1894 and pursuant to powers contained in the said Act, it has acquired the City and Suburban Electric Railway Company, Limited, and the Davenport Street Railway Company, Limited, and the rights, powers and franchises connected therewith, and is now in possession thereof and of certain other property in connection therewith.

And whereas in addition to the powers conferred upon said Company by the said Act the Company is empowered to extend its said line of railway, and to survey, lay out and construct, make complete and operate an extension of its said railway to Niagara Falls, in the County of Welland, by way of the City of Hamilton or thereabouts, and branch lines from a point on the line of railway already constructed at or near the Village of Weston or some point between the Village of Weston and the northern limit of the Township of York to the Village of Woodbridge, in the County of York, and also from a point on the line of railway already constructed in or near the Village of Weston, or the Village of Lambton Mills to the Town of Brampton, in the County of Peel and such other branch line as is mentioned in section 1 of the Statutes of Ontario, 1904, Chapter 94; and by the said Acts and by *The Ontario Railway Act, 1906*, the Company is authorized to issue bonds to the extent of \$30,000 per mile of its railway and branches, such bonds to be issued only in proportion to the length of railway constructed or under contract to be constructed.

And whereas the length of said railway already constructed is nine miles, and it is the intention of the parties that the bond issue hereby secured shall cover all authorized extensions as well as the lines already constructed.

And whereas the Company has determined to issue its bonds to the extent and upon terms and conditions hereinafter mentioned and to secure the same by these presents.

And whereas all necessary and requisite by-laws and resolutions by the directors and shareholders of the Company have been duly passed, so as to make the issue of bonds hereby secured and the execution of these presents legal and valid and in accordance with the requirements of the Statutes relating to the Company and of all other Statutes and laws in that behalf.

And whereas these presents have been duly submitted to and have been duly approved of by the shareholders and directors of the Company at a meeting duly called and held to consider the same.

1. Now therefore this Indenture witnesseth, wherever in these presents the Company or the Trustees are mentioned or referred to such mention or reference shall extend to their successors and assigns.



2. The total amount of issue of bonds hereby secured shall be at the rate of \$30,000 per mile and no more, of the company's railway and branches heretofore or hereafter constructed or under contract to be constructed, but such bonds shall be certified by the trustees from time to time and issued only in proportion to the length of such railway and branches from time to time constructed or under contract to be constructed. Provided also that before any bonds in excess of \$30,000 per mile for the mileage already constructed between the City of West Toronto and the Village of Weston, and between the City of West Toronto and Lambton Mills, and between the City of West Toronto and Bathurst Street, in the City of Toronto, and mileage within the limits of the City of Toronto, in all nine miles, are certified by the Trustees and issued the consent of the shareholders of the Company shall be given thereto by vote of not less than two-thirds in value of those present or represented by proxy at a meeting of the shareholders called for that purpose or at a general annual meeting and on such consent and on such terms and conditions as may be specified therein, bonds in excess as aforesaid may be certified and issued. In certifying bonds from time to time the trustees shall be entitled to rely upon a certified copy of a resolution of the Board of Directors of the Company or upon a certificate of the Treasurer or Secretary and Chief Engineer of the Company as to mileage constructed or under contract to be constructed in respect of which bonds are required to be certified by the trustees.

Each bond hereby secured shall be for the sum of \$500.00 or its equivalent in sterling money of Great Britain at par of exchange. The said bonds shall be dated the first day of March, 1909. The principal money thereby secured shall be payable on the first day of March, A.D. 1929, with interest at the rate of 5% per annum, half yearly on the first day of March and September in each year during the currency of such bonds. The interest to be represented by coupons attached to the said bonds; provided, however, that pending the preparation of engraved or lithographed bonds, printed bonds without coupons may be issued and may be surrendered and cancelled and bonds with coupons substituted therefor. The place of payment, both of principal and interest, shall be at the chief office of the Canadian Bank of Commerce, in the City of Toronto, or the Canadian Bank of Commerce, in the City of New York, or at the Bank of Scotland, in London, England, at the option of the holder. The form of bonds shall be as follows, or to the like effect:—

#### THE TORONTO SUBURBAN RAILWAY COMPANY.

##### First Mortgage Bond.

The Toronto Suburban Railway Company for value received, hereby promises to pay to the bearer, or if registered, to the registered holder thereof, the sum of \$500 in gold coin, or its equivalent, in lawful money of Canada, or the sum of £102 14 shillings 10 pence, sterling money of Great Britain on the first day of March, 1929, at the chief office of the Canadian Bank of Commerce, in the City of Toronto, Canada, or at the office of the said Bank of New York City, or in sterling at the Bank of Scotland, London, England, at the holder's option with interest thereon at the rate of five per cent. per annum payable half yearly at the said places at holder's option, in like money on the first day of March and first day of September in each year on presentation and surrender of interest coupons hereto attached as they severally become due and payable. This bond is one of a series each of like date, tenor and effect issued and to be issued to an aggregate not exceeding the sum of \$30,000 for each mile of the company's railway constructed or under contract for construction at the times of actual issue for the security of which and the interest thereon the undertaking, franchises, privileges, rents, revenues, tolls, incomes



incomes, assets, and real and personal property of the Company at any time acquired both present and future, are mortgaged to the National Trust Company, Limited, as trustees, by mortgage bearing even date herewith. This bond shall pass by delivery, but may, at the option of the holder, be registered at any time in the books of the Company, and, while so registered, it shall be transferrable by written transfer, registered in said books, and as provided by the said mortgage. A transfer in favor of the bearer may subsequently be registered, after which this bond will be transferable by delivery alone until again registered in the name of the holder. Notwithstanding registration, the interest coupons shall continue to be payable to bearer. This bond shall not become obligatory until it shall have been certified by the trustees or their successors in the trust.

In witness whereof the Toronto Suburban Railway Company has caused its seal to be hereto affixed and these presents to be signed by its president and countersigned by its secretary this first day of March, 1909.

#### INTEREST COUPON.

The Toronto Suburban Railway Company will pay to bearer, on the \_\_\_\_\_ days of \_\_\_\_\_ twelve dollars and fifty cents in gold or its equivalent of lawful money of Canada at the chief office of the Canadian Bank of Commerce, Toronto, Canada, or at the office of the said bank in New York City, or two pounds eleven shillings and four and a half pence, sterling at the Bank of Scotland, London, England, at the holder's option, being half yearly interest on bond No. \_\_\_\_\_

Secretary.

#### ENDORSED ON THE BOND.

Dominion of Canada, Province of Ontario, The Toronto Suburban Railway Company, \$500.00, 5 per cent., first mortgage gold bond. Principal due March first, A.D. 1929. Interest payable first of March and first of September.

#### TRUSTEE'S CERTIFICATE.

This bond is certified to be one of the series within mentioned.

NATIONAL TRUST COMPANY, LIMITED,

Manager.

4. The bonds secured by these presents are and shall be all bonds certified by the trustees and issued from time to time forming part of said total issue and whether first certified and issued or hereafter certified and issued from time to time in accordance with the terms hereof, and all such bonds shall be secured hereby equally and ratably and without discrimination or preference.

5. The Company for and in consideration of the premises, and for the purpose of securing payment of the said bonds and the interest and every part of the said principal and interest as the same shall become payable, according to the tenor of the said bonds, and the sum of one dollar of lawful money of Canada, now paid to the Company by the trustees (the receipt whereof is hereby acknowledged), doth grant to the trustees, all and singular the railway and undertaking of the Company now made, in course of construction, or hereafter to be constructed, together with all the company's property, comprising telegraph and telephone lines erected along the said railway or used in connection therewith, and with all rights of way and station grounds, station houses, engine houses, freight sheds, machine shops, and all other structures

tures now held and acquired, or which hereafter may be held or acquired by the Company, its successors or assigns, for use in the construction, maintenance, operation and running of the said railway and telegraph and telephone lines, and also all locomotives, tenders, passenger, baggage, freight and other cars, and all other rolling stock and equipment whatsoever and all machinery tools, and implements, and all supplies and materials now held or hereafter acquired by the Company, its successors or assigns, for constructing, maintaining, operating and repairing the said railway and telegraph and telephone lines, or any of the equipment or appurtenances thereof, and all tolls, incomes, rents, issues, profits and sources of money arising or to arise from the said railway and other property; and also all other privileges, powers, immunities; and all other corporate and other franchises in respect of the said railway now owned, held or enjoyed by the Company or hereafter to be held, owned or conferred upon it, its successors and assigns; all which are hereinafter called or referred to as the mortgaged premises.

To have, hold, receive, take and enjoy all the mortgaged premises and every part thereof unto the trustees, to and for the use and behoof of them the trustees, but nevertheless upon the trusts and conditions and for the purposes hereinafter declared and expressed.

6. Provided always and these presents are upon this express condition, that if the Company shall well and truly pay to the lawful holders of the said bonds and of the coupons thereto attached, the amount of such bonds and coupons as the same shall respectively become due and payable, and also do pay all rates, taxes and charges whatsoever payable, upon or in respect of the said mortgaged premises, and shall observe and perform the covenants herein contained, then these presents shall cease and become utterly null and void, and the mortgaged premises shall revert to and revert in the Company without any acknowledgement of satisfaction, release, acquittance, reconveyance, re-entry, or other act or formality whatever, and the Company shall thereupon become entitled to possession of the said bonds, but in such case and whenever the moneys mentioned in the said bonds and interest thereon as aforesaid are paid and satisfactory evidence shall be given to the trustees of such payment, it shall nevertheless be the duty of such trustees at the expense of the Company to execute, acknowledge, and deliver to the Company, on demand, a full release, acquittance and discharge of all the liabilities aforesaid and a full release and re-conveyance of all and singular the mortgaged premises not lawfully disposed of under the trusts and powers aforesaid: Provided always that until default shall be made in payment of the moneys mentioned in the said bond, or of the interest payable on such moneys, or until default shall be made in respect of something herein required to be done or kept by the Company, the Company shall subject, however, to the express terms hereof, be suffered and permitted to possess, operate, manage, use and enjoy the mortgaged premises, and to take and use the rents, incomes, profits and issues thereof, in the same manner and to the same extent as if these presents had not been executed.

7. In case the Company shall fail to pay said coupons or any of them, according to the tenor thereof, on the presentation of the same respectively, or if the Company shall fail faithfully to observe and perform any of the covenants in or requirements made of it by these presents or by said bonds or coupons, and such default or failure shall continue for the space of thirty days after written notice thereof has been given by the trustees to the Company then and thereupon the whole amounts of the principal of the said bonds, together with all unpaid and accrued interest shall, upon a declaration of the trustees to that effect, made upon the request hereinafter provided for, become and be immediately due

due and payable, notwithstanding that the time limited in the said bonds for the payment thereof may not then have elapsed; but such declaration shall not be made by the trustees unless a majority in interest of the holders of all the bonds aforesaid which shall then be outstanding shall have requested the trustees so to do, by an instrument in writing under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, have instructed the trustees to declare such principal sum due; and such majority of the bondholders as aforesaid shall have the power to cancel any declaration already made to that effect, or to waive the right so to declare, on such terms and conditions as such majority in interest shall prescribe; provided always that no act of omission either of the trustees or of the bondholders in the premises shall extend to, or be taken in any manner whatsoever to affect any subsequent default, or the rights resulting therefrom.

8. In case of default or failure as aforesaid, or in case of default in the payment of said bonds or any of them when they fall due and become payable, it shall become lawful for, but not obligatory upon the trustees to enter upon and take possession of the mortgaged premises (making the entry upon any portion thereof in the name of the whole), and to operate and manage the property and business of the Company, and to keep the mortgaged premises in repair and to collect all the revenues, issues and profits of the property and business, until the net earnings and profits, after the payment of all the reasonable and just charges and expenses of the trustees, their agents and attorneys, shall have been sufficient to answer and make good all the defaults of the Company under these presents.

10. The trustees may also, or instead of so doing, and with or without taking possession of the mortgaged premises, proceed to sell and dispose of by one sale or successively through several sales, the mortgaged premises, or such portions thereof as the trustees may deem necessary, at public auction in the City of Toronto, Ontario, on such terms as to credits, partial credits, and security for payment, and otherwise as the trustees may think proper, having first given public notice of the time and place of such sale or sales by advertisements printed once a week for at least four consecutive weeks in some newspaper published in the City of Toronto, and other places in the discretion of the trustees, and no other notice or demand whatsoever to or upon the Company prior to such sale or sales shall be necessary. The trustees are authorized to adjourn such sale or sales from time to time in their discretion, giving what they shall deem reasonable notice of the time and place of adjournment. Should any auction sale prove abortive with respect to the subject matter thereof or part thereof, the same may be afterwards sold by private sale or tender or in such other way as the trustees think best. The trustees are hereby further authorized and empowered, either in their own name or in the name of the Company, to make, execute, acknowledge and deliver to the purchaser or purchasers at any sales, good and sufficient deeds of assignments, transfer or conveyance of the subject matter of the sale, and any sale made as aforesaid shall be a perpetual bar, both in law and equity against the Company and all other persons claiming by, through or under it, from claiming the subject matter of the sale or any interest therein. And for the purpose of effecting such assignment, transfer or conveyance, the trustees are hereby constituted irrevocably the attorneys of the Company. As effecting the title to the subject matter purchased at any such sale, the statements set forth in any affidavit or statutory declaration made by the President or Manager of the trustees relating to default, the time and manner of giving notice of any default, or to the time and manner of giving notice of such sale, shall not be open to contradiction or dispute by any party or parties, but shall conclusively be deemed to be true. The trustees,

tees, or any one or more of the bondholders, or any person in their behalf, may become purchasers at any sale of the mortgaged premises, whether made under the power of sale hereinbefore contained, or pursuant to judicial proceedings, and the receipt of the Trustees shall be a sufficient discharge to the purchaser or purchasers for his or their purchase money.

10. Provided, however, that the said Trustees shall not be bound or called upon to take any proceedings to realize under this mortgage until they shall have been fully and satisfactorily indemnified against all costs and damages which may be incurred by reason of such proceedings.

11. It is hereby agreed that the Trustees acting under these presents may, if they so elect, enforce the powers of sale hereby conferred on the Trustees by judicial proceedings in a court or courts of competent jurisdiction, and the Trustees shall be entitled to have the mortgaged premises sold by judicial sale under the decree or order of such court or courts. And it is hereby further agreed that in the event of any sale hereunder, the Trustees shall, out of the proceeds thereof, first defray the expenses thereof (including their just and lawful charges for services and expenses and a reasonable allowance for attorney and counsel fees) and refund any advances or expenses reasonably incurred by them in operating, maintaining or managing the property or business of the Company, and all payments made for taxes, assessments, insurance and other proper charges upon said premises and property. The balance of said proceeds shall be applied and paid as follows:—

12. If said balance of such proceeds is sufficient therefor, to the payment of the whole amount then due and unpaid upon the bonds hereby secured for principal and interest together with interest on overdue coupons. If such balance of such proceeds shall be insufficient to pay in full the whole amount then due and unpaid upon the bonds for principal and interest, as aforesaid, then the principal and interest of said bonds shall be paid *pro rata* without preference or priority of principal over interest or interest over principal or any instalment of interest over any other instalment of interest rateably to the aggregate of such principal and unpaid interest together with interest on overdue coupons. If, after payment of the principal of said bonds and all interest, as aforesaid, computed to the time of making the payment, any balance of said proceeds still remain, the remainder shall be paid over to the Company or its assigns.

13. And the Company hereby covenants to execute and deliver to the Trustees such further and separate assignments, transfers and conveyances of the mortgaged premises, or any part thereof, as may reasonably be required for vesting the mortgaged premises in the Trustees and for fully carrying into effect the object of this mortgage, and that the mortgaged premises are free from incumbrance, and that from time to time, as the Company may acquire any real or personal property, rights, franchises, powers of any kind, the Company shall and will stand seized and possessed thereof, in trust for the Trustees hereunder and as part of the mortgaged premises, and will assign, transfer, and convey the same, from time to time, as acquired to the Trustees, as part of the mortgaged premises.

14. And it is further provided that the Trustees shall only be accountable for reasonable diligence in the management of the trusts hereof; and that the Trustees shall be entitled to take legal advice and employ such assistance as may be necessary to the proper discharge of their duties, and to receive proper and reasonable compensation for all labour and duties performed in the discharge of said trusts, which compensation the Company agrees to pay.

15. It shall be the duty of the Trustees, but subject always to the provisions herein contained, to exercise the power of entry hereby granted, or the power of sale hereby granted, or both, or to proceed by suit or suits in equity, or at law, to enforce the rights of bondholders in the several cases of default herein specified, on the part of the Company in the manner and subject to the qualifications herein expressed, and upon the requisition in writing signed by the holder or holders of said bonds to an aggregate amount of not less than one-fifth of the amount of said bonds then outstanding, and adequate and proper indemnification of the Trustees against the costs, expenses and liabilities to be by them incurred it shall be the duty of the Trustees to proceed to enforce the rights of the bondholders under these presents, by such proceeding authorized by these presents or by law, as they shall be in such requisition directed to take by the said proportion of bondholders; or if such requisition contains no such direction, then by entry, sale, or suit or suits in equity or at law, as they being advised by counsel learned in the law shall deem most expedient for the interest of the holders of said bonds; the rights of entry and sale hereinbefore granted being intended as cumulative remedies, additional to all other remedies allowed by law for the execution and enforcement of the trusts hereof: provided, nevertheless, that it shall be lawful for a majority in interest of the holders of said bonds for the time being, by an instrument under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, to direct the Trustees to waive such default, upon such terms as may be directed by such majority in such instrument, or by such vote, if required under the conditions hereof. And it is hereby provided and agreed that no holder of bonds or coupons secured to be paid hereby, shall have the right to institute any suit or proceeding for the foreclosure of this Indenture, or the execution of the trusts thereof, except upon and after the refusal or neglect of the Trustees hereunder to proceed to act in the premises upon requisition and indemnification as aforesaid but it shall nevertheless be lawful for a majority in interest of the holders of said bonds, for the time being, to direct the party or parties bringing any such suit or proceeding, to waive the default or defaults on which it is founded, in like manner as is hereinbefore provided for a direction to the Trustees to waive default. And it is hereby further provided and agreed that no action taken by the Trustees or by the bondholders under this clause shall prejudice or in any manner affect the powers or rights of the Trustees or of the bondholders in the event of any subsequent default or breach of condition or covenant herein.

16. The Trustees shall not be liable for or by reason of any failure or defect of title to or any encumbrance upon the mortgaged premises, or for or by reason of the statements of facts or recitals in this mortgage or in the debentures contained, or be required to verify the same, but all such statements and recitals are and shall be deemed to have been made by the Company only; and it shall not be the duty of the Trustees and nothing herein contained shall in anywise cast any obligation upon the Trustees to see to the registration or filing or renewal of this or any other deed or writing by way of mortgage or bill of sale upon the mortgaged premises or any part thereof or upon any other property of the Company, or to procure any further, other or additional instrument of further assurance, or to do any other act for the continuance of the lien hereof, or for giving notice of the existence of such lien, or for extending or supplementing the same, or to insure against loss or damage by fire any of the mortgaged property; or to keep themselves informed or advised as to the payment by the Company of any taxes or assessments or premiums of insurance or other payments which the Company should make, or to require such payments to be made, it being hereby agreed and declared that as to all the matters and things in this clause referred to, the  
duty

duty and responsibility shall rest upon the Company and not upon the Trustees, and the failure of the Company to discharge such duty and responsibility shall not in any way render the Trustees liable or cast upon them any duty or responsibility for breach which they would be liable; and the Trustees shall not be required to take any action in virtue of any of the powers conferred upon it hereunder until required so to do by writing signed by holders of bonds as herein provided, and prior to such requisition the duty and responsibility of the Trustees are confined to certifying the said bonds.

The Trustees shall not be responsible for any neglect or default on the part of any servant or agent appointed by it if selected with reasonable care, nor for any error or mistake made in good faith.

It is hereby declared that the last day of any term of years reserved by any lease, verbal, or written, or any agreement therefor now held or hereafter acquired by the Company and whether falling within a general or specific description of property hereunder, is hereby excepted out of the assignment or transfer of such lease or agreement hereby made, and does not and shall not form any portion of the mortgaged premises.

And it is further hereby declared and agreed that after any lease or sale made under the powers herein contained of any leasehold interest forming part of the mortgaged premises the Company shall stand possessed of the premises sold for the last day of the term granted by the lease thereof or agreement therefor in trust for the purchaser or purchasers, their executors, administrators and assigns, to be assigned and disposed of as he or they may direct.

17. The Company further covenants and agrees to keep the buildings, plant, machinery, rolling stock and chattels, forming part of the mortgaged premises insured in some incorporated insurance company or companies of good standing to the amount which will reasonably protect the same against loss or damage by fire, and in the event of any loss of the said property or any part thereof, by fire, all moneys payable from time to time to the Company by the insurance company or companies, in respect of such loss or losses, shall be held by the Company for the benefit of the trust by this mortgage created, in the event of the same not being expended by the Company in rebuilding or replacing the property destroyed, and subject as aforesaid, will on demand in writing by the said Trustee pay over such insurance monies to the Trustees for the benefit of the trust hereby created; but in the event of the said insurance monies, or any part thereof, not being required by the Company in rebuilding or replacing as aforesaid, then the same may be used by the Company in such a manner as the Board of Directors may declare by resolution, concurred in by the Trustees in writing; and it is agreed that in the event of non-payment of any insurance premiums by the Company, the Trustees may, on being placed in funds for that purpose by the holders of the said bonds, or any of them, pay the said premiums, and in such case and whenever the same shall happen, the Company covenants and agrees to immediately pay and reimburse the Trustees for such premium or premiums, together with interest thereon, from the date of payment by the Trustees; but the default of the Company to insure or keep insured, shall entail no liability on the part of the Trustees, or make it their duty to insure.

18. All bonds hereby secured shall be payable to bearer, and negotiable and pass by delivery unless registered for the time being in the name of the owner thereof in the manner hereinafter provided; and the Company shall keep at the office of the Trustees or some other suitable office in Toronto a bond register in which every holder of a bond shall be entitled to have his name and address and the number of the bond held by him entered, upon presenting



presenting at either of the said places a written statement of the said particulars and verifying his title to such bond by production thereof; and every registration of ownership shall be properly certified on the bond. After such registration of ownership of any such bond so certified thereon, no transfer shall be made or shall be valid except in writing, in a suitable transfer book to be kept by the Company at the said place of such transfers, signed by the party registered as the owner thereof for the time being or his legal representatives or his or their agent or attorney thereunto duly authorized. And the fact of every such transfer shall be entered upon the said last mentioned transfer book, so as to show the number of the bond transferred and the name and address of the transferee, unless any such transfer shall be to bearer, in which case it shall be so entered; and every such transfer shall be noted on the bond, and if the last transfer be to bearer, it shall restore to it transferability by delivery; but every such bond shall be subject to successive registrations and transfers to bearer as aforesaid, at the option of each holder.

Notwithstanding registration the interest coupons shall continue to be payable to bearer. The Company and the Trustees shall not be bound to take notice of any trusts appearing on or referred to in the said bonds or otherwise with respect thereto, and may transfer the same on the direction of the person registered as the holder thereof whether named as trustee or otherwise as though that person were the beneficial owner thereof; all expense of registration and transfer of bonds shall be borne by the bondholders.

19. Meetings of the bondholders under this deed of trust may be called in such mode as may be fixed by regulations prescribed or established by the bondholders; and the bondholders may vote at such meetings personally or by proxy; and the quorum may be defined, and such other regulations or by-laws in respect of such meetings may be from time to time established, altered or repealed by the bondholders, acting by the majority in interest, as to them shall seem expedient; and until the bondholders shall define the quorum, and make such regulations or by-laws, such powers may be exercised by the Trustees. And the Trustees shall have the right, at or before any meeting of the bondholders to require that any act or resolution of the bondholders affecting the duties of the Trustees, shall be authenticated by the signatures of all persons assenting thereto, as well as by a minute of the proceedings of the meeting. And whenever, and as often as any contingency shall arise in which the action of the holders of the bonds secured hereby shall be necessary, or in which the said bondholders are herein declared to have any discretionary voice or power, it shall be the duty of the Trustees, and such Trustees shall be and are hereby authorized and required to call a meeting of the holders of bonds secured hereby, to be held at any city in Canada and in the absence of any regulation or by-law determining the notice to be given of such meeting, it shall be notified to the bondholders by advertisement (the expenses whereof shall be a liability of the Company, and may be defrayed if necessary, from the trust fund) to be published three times in each week for three weeks, in one or more daily newspapers of good circulation among the business community in the Cities of Toronto and New York, and in default of such meeting being called by the Trustees within thirty days after notification to them in writing by any bondholder of the necessity therefor, or in case the trust shall be wholly vacant, it shall be competent for any holder or holders of said bonds, to the aggregate amount of at least one-fifth of the entire outstanding bonds of the Company, to call such meeting; and at such meeting so convened, the holders of the said bonds shall be competent to exercise in person, or by proxy, by the vote of the majority in interest of those present or represented at such meeting, all the powers and authority conferred upon them by these presents. But, until otherwise provided, pursuant to the provisions of this instrument in that behalf

behalf, a majority in interest of the holders of the outstanding bonds, for the time being, shall be required to constitute a quorum at any such meeting.

20. The Trustees shall at all times during the continuance of the trust hereby created, have power and authority, to be exercised in their own discretion and not otherwise, and subject to such conditions as they may impose, to convey or release from the lien and operation of these presents, to any party who may be designated in writing by the Company to receive the same, any portion of the mortgaged premises which in the judgment of the Trustees it shall be unnecessary longer to retain for use in connection therewith. And the Trustees shall also have power and authority to allow the Company or its assigns from time to time subject to such condition as they may impose, to dispose of, in its discretion, any or any part of the locomotives, tenders, passenger, baggage, freight and other cars and other rolling stock and equipment, machinery, tools and implements required or held for the use of the said railway and telegraph and telephone lines or the extension thereof as shall become unfit or unnecessary for such use.

21. In the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing annual general meeting of the Company all the holders of the bonds hereby secured shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the Company to register the same on being required to do so by any holder thereof.

22. The Company further agrees that it will, in each and every year ensuing the date hereof, faithfully use and apply its net earnings and income, or so much of such net earnings and income as may be necessary for that purpose, to the payment of the interest accruing in such year, on said bonds, when the same shall become due, until all the said bonds shall be fully paid and satisfied; and that it will seasonably, in each and every year, pay and discharge all taxes and assessments of every description which may be lawfully imposed, levied or assessed upon all or any part of the mortgaged premises, so as to keep the mortgaged premises free and clear from any encumbrance by reason thereof; and that it will, from time to time, make such additions to or repairs on the property, buildings, machinery, pole lines, or other equipment connected with the mortgaged premises, as may be necessary to keep and maintain them in first class repair and in condition for performing good and efficient service. The Company further covenants and agrees to preserve all its franchise rights.

In witness whereof these presents have been duly executed by the parties hereto, under their corporate seals, countersigned by their proper officers.

In presence of

THE TORONTO SUBURBAN RAILWAY COMPANY.

ALLAN H. ROYCE,  
President.

GEO. C. ROYCE,  
Secretary.

(Seal).



## CHAPTER 149.

An Act respecting The Canadian Casualty and  
Boiler Insurance Company.*Assented to 13th April, 1909.*

**W**HEREAS The Canadian Casualty and Boiler Insurance Company has by petition set forth that it was incorporated by Letters Patent under the Great Seal of Ontario dated the seventh day of March, 1903, issued pursuant to *The Ontario Insurance Act*, with an authorized capital stock of \$1,000,000 divided into 10,000 shares of \$100 each, that the amount of such capital stock subscribed for is \$423,900, that the amount paid in on such subscribed capital stock is \$160,800, that the said subscribed capital stock was subscribed at a premium of \$20.00 on each share thereof, making the total amount of the premium \$84,780; that the amount paid in on such premium is \$56,769.97; that the capital stock of the Company has become impaired and that it is desirable to reduce the capital stock of the Company and discharge any liability for unpaid premium on stock as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in the said Letters Patent incorporating the Company the capital stock of the Canadian Casualty and Boiler Insurance Company is hereby reduced from \$1,000,000 to \$889,200, divided into 8,892 shares of \$100 each.

Reduction of capital.

2. The subscribed capital stock of the said Company is hereby reduced from \$423,900 to \$313,100 and the amount paid in on the subscribed capital stock is reduced from \$160,800 to \$50,000 so that upon the passing of this Act the subscribed capital stock of the said Company shall be \$313,100 upon which shall have been paid \$50,000 and upon which shall be unpaid the sum of \$263,100.

Reduction of subscribed capital.

3.

Rights of  
shareholders.

3. The respective holders of shares of the subscribed capital stock of the said Company at the time this Act is passed shall be entitled to a proportionate number of shares in the said Company of the subscribed capital stock after such reduction as aforesaid and each such last mentioned share shall be considered as paid up in the proportion of \$50,000 to \$313,100.

Liability as to  
premium dis-  
charged.

4. Any liability in respect of the premium at which the stock in the said Company was subscribed in so far as such premium is still unpaid is hereby discharged.

Rights of  
creditors and  
policyholders  
preserved.

5. Nothing herein contained shall be deemed to diminish the liability (if any) of any shareholder of the said Company to any person who immediately prior to the passing of this Act was a creditor or the holder of a policy in force at the passing hereof; but any payment made to the Company upon a substituted new share shall reduce the liability of such shareholder by the amount of such payment.

## CHAPTER 150. .

An Act to incorporate the Civil Service Savings  
and Loan Society of Ottawa.*Assented to 13th April, 1909.*

WHEREAS Frederick A. Acland, F. R. E. Cam-  
peau, Henry LeB. Ross, W. A. Code, E. Bouchette, M. D. Grant and A. McNeil, officers of the Dominion Civil Service, resident at Ottawa have by their petition prayed that the members of the said Civil Service be enabled to organize and incorporate as a Society to be known as The Civil Service Savings and Loan Society of Ottawa, for the purpose of promoting saving and thrift and avoiding the payment of excessive interest on small loans.

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) If at any time within two years from the passing hereof it is established that permanent capital stock to the amount at least of \$30,000.00 has been subscribed for purposes of a Society to be constituted and incorporated under the name of the Civil Service Savings and Loan Society of Ottawa, and that at least \$4,500.00 has been paid on the said subscription into a chartered Bank of Canada to the credit of the said proposed Society, the Lieutenant-Governor in Council may thereupon under *The Loan Corporations Act*, grant letters patent of incorporation incorporating the said Society as a Loan Company within the meaning of the said Act with an authorized permanent capital stock not exceeding \$300,000.00; provided always that the capital stock of the said Society shall consist wholly of fixed, permanent and non-withdrawable stock and that the said Society shall not issue terminating stock or shares.

Proceedings to  
incorporation.

Fee for incorporation and initial registry.

(2) The fee payable by the Society to the Provincial Treasurer in respect of incorporation, including initial registry for a full year, shall be \$25.00, in other respects the fees payable by the Society shall be as provided by *The Loan Corporations Act*.

Taking of deposits.

2. The said Society after incorporation and registry shall have the right to receive money on deposit to an amount not exceeding at any time one-half of the amount then paid in on the capital stock of the Society.

The Loan Corporations Act to govern.

3. In all matters except as otherwise expressly enacted herein, the powers, rights and duties of the said Society shall be regulated and governed by the said *The Loan Corporations Act*.

## CHAPTER 151.

## An Act respecting the Farrar Transportation Company, Limited.

*Assented to 13th April, 1909.*

WHEREAS the Farrar Transportation Company, Limited, hereinafter called "The Company," was incorporated by letters patent under the Great Seal of the Province of Ontario, bearing date the twenty-eighth day of August, one thousand nine hundred and three; and whereas the Company by its petition has prayed that a certain issue of first mortgage bonds, made by the Company, bearing date the second day of November, one thousand nine hundred and eight, and the mortgage and deed of trust bearing even date therewith upon its steamship "Collingwood," made for the purpose of securing said bonds, may be confirmed and validated; and whereas it appears by said petition that the said bonds have been issued so as to comply with the law of the State of Michigan respecting investments by Savings Banks, which, among other things, requires that bonds upon steamships must be issued at the time of completion and enrollment of the steamship or within one year thereafter; and whereas the by-law passed by the directors of the Company respecting the issue of bonds was confirmed at the annual meeting of the shareholders of the Company held on the eighth day of January, one thousand nine hundred and seven, but the notice given to the shareholders for such meeting did not specify that the by-law would be submitted for confirmation as required by *The Ontario Companies Act*; and whereas at the annual meeting of the Company held on the twelfth day of January, one thousand nine hundred and nine, notice for which was given as in the case of a special general meeting, the said by-law, bond issue, mortgage and deed of trust, and all matters relating thereto, were confirmed and adopted by a vote of over two-thirds in value of the shareholders of the Company; and whereas the steamship "Collingwood" was registered at the port of Collingwood

Preamble.

Collingwood on the twenty-ninth day of November, one thousand nine hundred and seven, and the period of one year, referred to in the laws of the State of Michigan, has expired; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Mortgage and deed of trust made by Farrar Transportation Co., Ltd., to Alex. McPherson, Trustee, and issue of bonds confirmed.

1. The mortgage and deed of trust, bearing date the second day of November, one thousand nine hundred and eight, made by the Farrar Transportation Company, Limited, to Alexander McPherson, trustee, a copy of which is set out in the Schedule hereto, and the bonds secured thereby, bearing even date therewith, issued by the Company, amounting in the aggregate to the principal sum of one hundred and thirty-five thousand dollars, are hereby respectively confirmed and declared to be legal, valid and binding upon the Company, and effectual for all purposes as and from the date and according to the terms thereof, notwithstanding anything contained in *The Ontario Companies Act*, and notwithstanding any act, matter or thing done or omitted to be done by the directors and shareholders of the Company in reference to the making or issuing thereof.

#### SCHEDULE.

This Indenture, made and entered into this second day of November, in the year of our Lord one thousand nine hundred and eight, by and between Farrar Transportation Company, Limited, a Corporation organized and existing under the laws of the Province of Ontario, hereinafter called the "Company," party of the First Part, and Alexander McPherson, of Detroit, Michigan, hereinafter called the "Trustee," party of the Second Part.

Whereas the Company was incorporated by Letters Patent, issued under the Ontario Companies Act, dated the 28th day of August, A.D. 1903.

And whereas the Company is indebted for the building of its Steamship *Collingwood*, in an amount of upwards of one hundred and thirty-five thousand dollars (\$135,000), and is desirous of securing funds to pay such indebtedness, and to that end has duly authorized and directed the making and issue of bonds of the Company, bearing interest at the rate of five per cent. (5%) per annum, payable half-yearly, on the first day of January and July in each year; and has legally resolved:

That such bonds shall be in the principal sum of one thousand dollars (\$1,000) each, payable in series, ten in number, as follows: Fourteen (14) of said bonds on the first day of January of each of the years 1910, 1912, 1914, 1916 and 1918, and thirteen (13) of said bonds on the first day of January of each of the years 1911, 1913, 1915, 1917 and 1919; and

That the officers of the Company be authorized to execute a mortgage on the said Steamship *Collingwood*, as security for such bond issue, and to execute such other papers for such security as may be required;

And

And whereas the directors of the Company have agreed upon the form of said bonds and of the coupons to be attached thereto and of the certificate to be signed by Detroit Trust Company, as follows:

DOMINION OF CANADA.

PROVINCE OF ONTARIO.

Incorporated by Letters Patent under the Ontario Companies Act.

No.

\$1,000.

*Farrar Transportation Company, Limited.*

First Mortgage, Five per cent. Coupon Gold Bond.

Farrar Transportation Company, Limited, a Corporation organized under the laws of the Province of Ontario, for value received, hereby promises to pay to the bearer hereof, or, if this bond be registered, unto the registered holder hereof, the sum of one thousand dollars (\$1,000) in gold coin of the United States of America, of the present standard of weight and fineness, at the office of the Detroit Trust Company, in the City of Detroit, State of Michigan, or in lawful money of the Dominion of Canada, at the office of the Traders Bank of Canada, in the City of Toronto, Province of Ontario, on the first day of January, A. D. 1911, and to pay interest thereon at either of said offices in like gold coin or money, respectively, at the rate of five per cent. per annum payable half-yearly on the first day of January, and on the first day of July, in each year, on presentation and surrender of coupons annexed, as they severally become due.

This bond is one of a series of one hundred and thirty-five (135) bonds of said corporation, numbered consecutively from one (1) to one hundred and thirty-five (135), both inclusive, which bonds by their terms mature as follows: Fourteen (14) of said bonds on the first day of January of each of the years 1910, 1912, 1914, 1916 and 1918, and thirteen (13) of said bonds on the first day of January of each of the years 1911, 1913, 1915, 1917 and 1919; otherwise of like tenor, amount and date, and equally secured by a first mortgage of even date herewith, executed and delivered by said Corporation to Alexander McPherson, of Detroit, Michigan, who holds the same in trust to secure all of the said bonds, which mortgage conveys the steel steamship known as *Collingwood*, her engines, boilers, machinery, boats, tackle, apparel and furniture to the mortgagee.

This bond is redeemable at the option of the obligor on any interest day at an amount equal to the par value hereof, together with accrued interest hereon, and a bonus at the rate of one per cent. (1%) of such par value for each year, or fraction thereof, that said bond has yet to run from the time redemption is made until maturity thereof, provided said bonus shall in no event be less than two per cent. (2%) of such par value, as provided in said mortgage, and with its coupons is subject to all provisions of said mortgage.

This bond, if not registered, shall pass by delivery, but, if registered, only by transfer upon books of Detroit Trust Company, of Detroit, Michigan, which is the registrar for this bond issue, unless the last previous registration shall have been to bearer; transfers may be registered or not at the option of the holder. Registrations shall not affect the negotiability of the coupons by delivery.

This

This bond shall not be valid until the certificate indorsed hereon is signed by Detroit Trust Company.

In witness whereof, Farrar Transportation Company, Limited, has caused its corporate name to be hereto signed, and its seal to be hereto affixed by its president or vice-president, and these presents to be attested by its secretary this second day of November, A. D. 1908.

FARRAR TRANSPORTATION COMPANY, LIMITED.

By

President.

Attest:

Secretary.

(Seal).

(Form of Coupon).

\$25.00.

Farrar Transportation Company, Limited, will pay to the bearer at the office of Detroit Trust Company, in the City of Detroit, Michigan, in gold coin of the United States, or at the office of the Traders Bank of Canada, in the City of Toronto, Province of Ontario, in lawful money of the Dominion of Canada, twenty-five dollars, being six (6) months' interest on its First Mortgage Bond Number , unless sooner redeemed as therein provided.

Treasurer.

(Certificate of Detroit Trust Company.)

It is hereby certified that this bond is one of the series of bonds described in the mortgage therein mentioned, bearing date November second, A. D. 1908, and executed by Farrar Transportation Company, Limited, to Alexander McPherson.

DETROIT TRUST COMPANY,

By

Secretary.

(Form of Registration.)

*Notice.*—Nothing can be written on this bond except by an officer of Detroit Trust Company as registrar, without impairing its negotiability.

Date of Registry.	In whose name registered.	Registrar.

(Indorsement.)

Number

Farrar Transportation Company, Limited.

\$1,000.

First Mortgage, Five per cent.

Coupon Gold Bond.

Principal payable January 1st, 191 .

Subject to Redemption.

Interest payable January 1st and July 1st, at the office of

Detroit Trust Company, Detroit, Michigan,

or

The Traders Bank of Canada, Toronto, Ontario.

And



And whereas the said steamship is duly registered in the name of the Company, the owner thereof, in accordance with the laws in that behalf, and the Company hath by deed bearing even date herewith, and made pursuant to *The Merchants' Shipping Act, 1894*, mortgaged the said steamship to the Trustee to secure the payment of its bonds to the amount of one hundred and thirty-five thousand dollars (\$135,000), and all moneys which may be or may become due from the Company to the Trustee in pursuance of this indenture, together with interest as therein and hereinafter mentioned, and hath also transferred to the Trustee the existing policies of insurance held by the Company against fire, marine and other loss on said steamship.

And whereas the directors of the Company have approved of the said mortgage and of these presents, and have duly authorized the execution thereof, and now propose to issue and deliver the bonds hereby secured, and in this indenture to declare the terms and conditions upon which every such bond is issued and secured.

Now, therefore, this indenture witnesseth, that in pursuance of the aforesaid resolutions and of all and every legal power and authority in it vested, the Company for and in consideration of the premises and for the purpose of securing the said bonds and interest, as the same shall become payable, according to the tenor of said bonds and of the sum of one dollar, of lawful money of Canada now paid to the said Company by the Trustee, receipt whereof is acknowledged hereby, doth by these presents bargain, sell, convey, mortgage, pledge, assign, transfer and set over to the Trustee, his legal representatives and assigns, and to his successors in the trust held in behalf of the bondholders, the sixty-four (64) shares now owned by the said Company in the said steamship registered and known as the *Collingwood*, and all its interests as owner thereof, together with all masts, sails, boats, anchors, chains, cables, engines, boilers, machinery, tackle, apparel and furniture, and all other appurtenances and necessities to the said steamship appertaining, or in anywise belonging.

The official number of said steamship is 117,089; her port number and year of registry, 6 of 1907; her port of registry is Collingwood; she was built at Collingwood, Ontario, in 1907, and is a screw steamer built of steel; she is one deck, three masts with elliptical stern; her length from the fore part of the stem under the bowsprit to the aft side of the head of the stern post is 386 feet, and her breadth 50 feet; her depth in hold from tonnage deck to ceiling at midships is 23 feet; the length of her engine room is 37 feet.

She measures as follows:—

*Gross Tonnage.*

Under tonnage deck .....	4,208.69 tons.
Owners' quarters forward .....	69.88 "
Master's quarters .....	20.30 "
Hatches .....	13.13 "
House aft .....	217.08 "
<b>Total .....</b>	<b>4,529.08 tons.</b>
Deductions on account of space required for propelling power .....	969.17 tons.
On account of spaces occupied by seamen, etc. ....	60.00 "
Master's quarters .....	20.30 "
<b>Total deductions .....</b>	<b>1,049.47 "</b>
<b>Registered tonnage .....</b>	<b>3,479.61 tons.</b>

Secondly.—All its interests in all and every charter party or charter parties, bills of lading and other documents whereby and whereunder

whereunder any freight is or may be earned by the said steamship, and all benefits and advantages to be had or derived from the same, and all and every policy and policies of insurance now or hereafter to be effected on the said steamship and her appurtenances as hereinafter provided, and also on the freight and outfit of the said steamship, and all benefits and advantages to be had or derived from the said policies respectively, and all powers, rights, remedies and authorities for the recovery of the moneys secured and to be secured and payable and become payable in respect thereof, and all the right, title, interest, property, claim and demand whatsoever at law and in equity of the Company into, upon or out of the said charter parties, moneys, policies and premises expressed or intended to be hereby assigned.

To have and to hold the above described property to said Alexander McPherson, as Trustee, his successor or successors and assigns, forever, in trust nevertheless for the purposes hereinafter expressed, and on the following conditions, covenants and agreements:—

#### *Article 1.*

Whenever in this indenture the Company is mentioned or referred to, such mention or reference shall extend to and include its successors and assigns, and whenever the Trustee is mentioned or referred to, such mention or reference shall extend to and include his executors, administrators, successors in the trust and assigns or any and every new trustee who may be appointed or succeed to the trusts hereof.

Said Company, for itself, its successors and assigns, doth hereby covenant and agree with said Trustee, and with all successors to him in the trusts hereby created, that at the ensembling of these presents it is well seized of the above described property as of a good and indefeasible estate, and that it has a good right to bargain and sell the same in manner and form herein provided, and that the same is free and clear of any and all liens and incumbrances whatever, and that peaceable possession and enjoyment of said property covered by this mortgage in and to said Trustee and all successors to him, it will, and hereby does warrant and defend forever against all claims of whatever kind or nature.

The Company hereby covenants and agrees to pay unto the lawful holders thereof, the interest and principal of said bonds, in accordance with the terms of said bonds and annexed coupons, and of this indenture and of the mortgage securing the same, without deduction for or on account of any tax which, under any present or future law, the Company may be required to pay, or retain from or on account of the principal or interest of said bonds; and further covenants and agrees to pay all and every the taxes, assessments and charges of every kind which may at any time be levied, assessed or laid upon any of the property hereby conveyed, and in case such taxes, assessments or charges are not paid by said Company, said Trustee may pay the same, and the expense thereof shall be held to be an additional indebtedness hereby secured, and prior to said bonds and coupons, and shall be repaid said Trustee, his successor or successors, on demand, with interest at the rate of six per cent. (6%) per annum from the time of such expenditure; and the Company further covenants and agrees to pay the compensation and expenses of the Trustee, herein provided for, when, and as the same shall become due, and that it will not suffer any lien of any kind or description to remain upon said property hereby conveyed, or any part thereof, and the failure of the Company to forthwith procure the release of such steamship from mechanics', labourers', admiralty, statutory or other liens, claims or charges against such steamship, shall constitute a default in the provisions of this indenture and said mortgage; that it will do all things proper or necessary to preserve intact the priority  
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of the lien hereby created upon said property; that it will not suffer said steam vessel to become indebted in an amount exceeding five per cent. (5%) of the original amount of the principal of said mortgage at any time, and that said steam vessel shall be used for the carriage of freight upon the Great Lakes and connecting waters, and it shall not engage in unlawful trade or violate any law, carry any cargo prohibited by law, ordinance or regulation of any state or country and said vessel, without the consent of the Trustee will not be altered or changed from the type originally designed and constructed, nor be taken from the Great Lakes for trade on any other waters.

The Company further agrees that it will file with the Detroit Trust Company of Detroit, Michigan, quarterly statements showing the amounts of floating and other indebtedness, certified by its Treasurer, and attested by its president or vice-president, so long as any of the said bonds are outstanding and unpaid. Said statements shall be accessible at any time to the holders of said bonds.

The Company may redeem any or all of the bonds hereby secured on any day fixed for paying interest thereon, at an amount equal to the par value thereof, together with accrued interest, and a bonus of one per cent. (1%) of such value for each year, or fraction thereof, that said bond has yet to run from the time such redemption is made until the maturity thereof, provided that said bonus shall in no event be less than two per cent. (2%) of such par value, upon giving not less than thirty (30) days' notice in writing of its intention so to do, to the Trustee, and within fifteen (15) days thereafter depositing with the said the Detroit Trust Company the amount of money necessary to make the proposed redemption. But no bond shall be redeemed until all bonds maturing at an earlier date have been called for redemption, and the moneys therefor deposited with the Detroit Trust Company, or paid according to their tenor. In case the Company shall give notice for redemption of bonds, including a less amount than all maturing in the last year to which the notice extends, the Detroit Trust Company shall determine by lot which of the bonds of such year shall be redeemed. On receiving such notice and deposit of redemption money, the Detroit Trust Company shall give notice of redemption to the holders of all bonds to be redeemed, to the holders of the registered bonds, by mail at the address shown on the registry; to the holders of all other bonds, by publication in a daily newspaper of general circulation published in the English language in the City of Detroit, Michigan, and also by publication in a daily newspaper of general circulation published in the English language in the City of Toronto, Ontario. Such notice shall state the number of the bonds and the date on which they will be redeemed at the office of the Detroit Trust Company; and shall be published once a week for three successive weeks immediately prior to the time of redemption. When such notice has been given by the said Detroit Trust Company, and said redemption money has been deposited as above provided, the said bonds to be redeemed shall cease to draw interest from and after the date fixed for redemption, and shall thereafter cease to be secured by this instrument, unless payment thereof with accrued interest to the date of redemption shall not be made on presentation at the office of the the Detroit Trust Company in the City of Detroit, Michigan, on or after the day so specified for redemption, and upon payment the bonds and all unpaid coupons shall be surrendered.

All bonds and coupons surrendered and paid or redeemed shall at once be stamped "Paid" and cancelled by said Detroit Trust Company and delivered to the Company, and shall not thereafter be reissued.

And the said Company further agrees to and with said Trustee, his successor or successors, that it will immediately cause all property covered by this indenture and said mortgage to be insured, and will keep it insured against loss or damage by fire, and against all marine risks and disasters, general and particular average, and

and collision liability, including also "protection and indemnity insurance," and insurance against liability for injuries to persons, in insurance companies, and under forms of policies approved by the Detroit Trust Company, for an amount equal to the full insurable value of said vessel; that all such insurance and all other insurance of every kind and character carried by said Company upon said property, shall provide that in case of loss the indemnity arising from such loss shall be payable to said Trustee; and the said Company covenants that it will do, suffer or permit to be done, no act whereby said insurance will be liable to be vitiated or forfeited, and that it will immediately deliver to said Trustee, said policies of insurance, and any and all renewals thereof, as collateral security for the payment of said bonds and interest thereon. And if the said Company shall fail immediately to procure and deliver such policies as aforesaid, or shall at any time fail immediately to renew the same as aforesaid, the said Trustee, his successor or successors, are hereby authorized to immediately take possession of and sell said vessel and appurtenant property, as hereinafter provided, or to sell and convey the same without taking possession, and in the manner and on giving notice as hereinafter provided; and to procure such insurance for said property and to keep the policies renewed; and the expense thereof shall be held to be an additional indebtedness hereby secured, and prior to said bonds and coupons, and shall be repaid said Trustee, his successor and successors, on demand, with interest at the rate of six per cent. (6%) per annum from the time of such expenditure, it being expressly agreed that all costs of insurance shall be paid by said Company, whether caused to be made by it or by said Trustee.

Said steamship shall not be taken from nor leave port, and shall not be engaged in navigation during the period of time within which, by the terms of its insurance policies, it warrants that it shall not be so engaged, and breach of which warranty vitiates such insurance; and violation of this provision by the Company shall be construed as constituting default in the performance of the conditions of this indenture and said mortgage and as entitling the Trustee, his legal representatives and successors, to all the rights and privileges of foreclosure and sale incident to the statutory mortgage hereinbefore referred to, or under this indenture, or both.

It is mutually agreed that in event of partial loss the insurance money arising therefrom shall be applied by said Trustee, under the direction of said Company, towards the restoration of said property to its former condition; that in the event of total loss, actual or constructive, of said steam vessel, the said insurance money shall be applied in reduction of all outstanding bonds *pro rata*, whether due or not. On receipt of the insurance money resulting from any such total loss, the Trustee shall cause the Detroit Trust Company to give notice thereof, and of the date when payments will be made, and of the amount to be paid to the bondholders, in the same manner as herein provided for the giving of notice of the redemption of bonds. From the date fixed for payment in such notice, such bonds shall, up to the amount thereof so provided to be paid, cease to be secured by the said mortgage and this indenture, and interest thereon to the same extent shall also cease.

If insurance money is received on account of injury to other property than that covered by such insurance, or to persons, it shall be applied in payment of settlement of the claim for such injury by the Trustee under the direction of the Company.

If any lien, charge or incumbrance shall be created or claimed upon any of the property covered by this indenture and said mortgage, or if any suit or proceedings shall be instituted or taken which might result in such lien, charge or incumbrance, the Trustee may in case of the failure of the Company to defend such suit, if it be proper for the protection of the interest of bondholders, and

without

without thereby waiving or affecting his right to exercise any of the powers conferred upon him in this instrument, defend such suit or proceeding, or himself institute proceedings to set aside or remove such lien, charge or incumbrance. The expense of any such suit or proceedings shall be held to be an additional indebtedness hereby secured prior to said bonds and coupons, and shall be paid to said Trustee on demand, with interest at the rate of six per cent. (6%) per annum, computed from the time of such expenditure.

The Company further covenants and agrees that it will keep said mortgaged property and every part thereof in as good condition and repair as the same now is, and as will entitle it to certificates of the highest classification in the Bureau of Veritas or Great Lakes Registrar, or other classification bureau designated by the Trustee equally as good, and further that it will obtain and keep in force such classification certificates for all of said property.

The Company further covenants and agrees that it will pay and discharge all claims or obligations which may now be or hereafter become due to any persons, firms or corporations, and which may by law be given a prior right to the lien of this indenture.

The Company further covenants and agrees that it will indemnify and save harmless the Trustee against all loss and damage to which the Trustee may be subjected by the execution of the Trusts hereof, not caused by the personal misconduct or neglect of the Trustee.

The Company further covenants and agrees for itself, its successors and assigns, that it will, as often as thereto requested by the said Trustee, execute, acknowledge and deliver all such further mortgages, bills of sale in trust and assurances in the law for the better assuring to said Trustee, and all successors to him, of said property hereby intended to be mortgaged as by said Trustee shall be reasonably required.

The Company irrevocably appoints the Trustee to be the attorney for the Company, and in the name and on behalf of the Company to execute and do any assurances and things which the Company ought to execute and do under the covenants herein contained, and generally to use the name of the Company in the exercise of all or any of the powers hereby conferred on the Trustee.

The Company further covenants and agrees to, and hereby does waive the benefit of any present or future extension, stay, appraisal or redemption laws of all Governments and countries, home and foreign, which might prevent or hinder the enforcement or foreclosure of this indenture and said mortgage, or the collection of the indebtedness secured thereby; and further covenants and agrees to preserve the rights, licenses and franchises now possessed or hereafter acquired by it.

For the more effectually enabling the Trustee after default in payment of the moneys by the statutory mortgage and by this indenture secured, and until the same shall be fully paid and satisfied, to recover and receive all moneys payable under or by virtue of any policy or policies of insurance, charter party or charter parties, of the said steamship and the freights and earning thereof, the Company by these presents, make, ordain, constitute and appoint the Trustee to be the true and lawful attorney irrevocable of the Company, with full power and authority, in its name or otherwise as shall appear most expedient but for the use and on account of the trusts after such default as aforesaid, to ask, demand, recover and receive of and from all and every parties and party corporate and persons and person liable or indebted in that behalf, all and every the sum and sums of money which now are or is, or at any time or times hereafter may be due and owing under or by virtue of any policy or policies of insurance, which now is or are or at any time or times hereafter may be existing for insuring the said steamship or her freight from all damages arising from any risk or peril whatsoever, and all sum and sums of money, which now are or may at any time hereafter be due and owing under or by virtue of any charter parties or charter

charter party or other documents or otherwise, and also with full power and authority, after such default as aforesaid, to state and settle all accounts, claims, reckonings and other matters and things relative thereto, and to compound for and release all and any such claims and sums of money or otherwise as the Trustee shall think proper, and upon receipt of any such sum or sums of money to give good and effectual receipts and discharges for the same respectively, and upon non-payment thereof, or any part thereof, to commence, institute and carry all such actions, suits and proceedings at law or in equity, for the recovery thereof as to the Trustee seems meet, and generally, after such default as aforesaid, do in and about the premises as fully and effectually to all intents and purposes whatsoever, as the Company could do if personally present, the Company hereby ratifying and confirming, and agreeing to ratify and confirm, all and whatsoever the Trustee, his executors, administrators, successors in the trust, or assigns shall lawfully do or cause to be done in the premises hereunder.

Until the Company, its successors or assigns, shall make default in the payment of some principal money or interest of said bonds, or some of them, according to the tenor thereof, or shall make default or breach in the performance or observance of any other condition, obligation or requirements of said bonds, or by this present indenture imposed on the Company, its successors or assigns and until such default (except in the case of effecting and renewing insurance) shall have continued for a period of thirty (30) days, the Trustee and every successor to him shall permit and suffer the company, its successors and assigns, to possess, manage, operate and enjoy said vessel, with its appurtenances, and to receive, take and use the freight, tolls, income, rents, issues and profits thereof, in the same manner and with the same effect as if the said mortgage and this indenture had not been made

#### *Article II.*

If the Company, its successors or assigns, shall make any default in the payment of the principal of any of said bonds or of the interest thereon, and if such default shall continue for thirty (30) days, or if the Company, its successors or assigns, shall make default or breach in the performance or observance of any other conditions, covenant, agreement or requirement of said bonds, or this indenture by it to be performed or observed, then, and in either of such cases it shall be lawful for, and upon request in writing of the holders of twenty-five per cent. (25%) in amount, or more, of the bonds then outstanding and unpaid, it shall be the duty of said Trustee to declare the principal of all outstanding bonds to be due and payable, anything in said bonds or in the coupons thereof contained to the contrary notwithstanding; said declaration shall be made by serving a written notice thereof on the Company.

In either of such cases said Trustee may in his discretion take and possess said vessel and all the property hereby mortgaged.

Upon and after so taking possession the Trustee may at his option, either lay up said vessel and keep idle said property, or if deemed advisable, use, run and operate the same, making from time to time such repairs, alterations and additions thereon as he may deem proper, and after deducting all operating expenses, including taxes and his own reasonable compensation, and all expenses by him reasonably incurred, in the conservation and protection of said property and of the interest of said bondholders therein, and the cost of all repairs, alterations and additions, said Trustee shall apply the net income in payment of interest on all said bonds, ratably, and any surplus income in payment of the principal when the same shall become due, either by the terms of the bonds or under the provisions of this indenture.

Or, said Trustee, instead of himself using and operating said property, may, in his discretion, at any time or times, after tak-  
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ing possession thereof, let, lease or charter said property to any person or corporation, for such time and on such terms and conditions as said Trustee shall think fit, the income therefrom to be applied in the same manner as income from operation of said property by said Trustee under the foregoing provisions.

Or, in case of default in payment of principal or interest, and the continuance thereof for thirty (30) days, or in case any default or breach shall occur in the performance or observance of any other condition, covenant or requirement on the part of said Company to be performed or observed, by reason whereof the entire principal and interest shall become due, then, and in either such cases the Trustee may, and upon the written request of the holders of twenty-five per cent. (25%) in amount of the bonds then outstanding shall, either with or without taking possession as aforesaid, foreclose the said mortgage, and this indenture as the Trustee may elect, either by proper proceedings to be taken in a court of competent jurisdiction, or by sale of all the property covered by said mortgage and in this indenture, at public auction, to the highest bidder, at the City of Toronto, Ontario, wherever said property may be at the time of the sale, at such time as the Trustee may appoint, first giving notice of such sale, and of the time, place and terms thereof, by advertisement once a week for the term of four (4) weeks in a daily newspaper published in the English language, and of general circulation, published in the said City of Toronto. The Trustee may, in his discretion, and on written request of the holders of a majority of the outstanding bonds, shall adjourn such sale from time to time, giving reasonable notice thereof, and make sale at the time of adjournment, but the bondholders shall not have the right to require adjournments for more than six (6) months in all.

It is further expressly agreed that in case resort is had to a Court of Equity to foreclose this instrument, a receiver may be appointed as a matter of course upon the application of said Trustee, his successor or successors in trust and said first party hereby consents to such appointment.

The sale of said property, whether made under the above power or otherwise, shall be for cash, or upon such other terms as a majority of the holders of the bonds then outstanding may direct, and such sale may be made with or under special conditions as to upset price, reserve bid, or otherwise, or as to receiving the price or consideration in whole or in part in bonds or interest coupons secured hereunder. The Trustee may also rescind or vary any contract of sale that may have been entered into and re-sell with or under any of the powers herein. Upon any sale of the mortgaged premises, or any part thereof, the purchaser in making payment therefor shall be entitled on paying in cash so much as shall be necessary to cover the costs and expenses of the sale and of the proceedings incident thereto, and any other moneys payable to the Trustee to appropriate and use, towards the payment of the remainder of the purchase price, any of the bonds or coupons issued hereunder and entitled to participate in the proceeds of such sale, reckoning each bond or coupon so appropriated and used at such sum as shall be payable thereon out of the net proceeds of the sale, and proper receipts shall thereupon be given to the holders of such bonds or coupons for the amount so payable thereon, and the bonds and coupons, if the net proceeds of the sale shall be sufficient to pay them in full, shall be delivered up for cancellation, or, if the proceeds of the sale shall not be sufficient to pay such bonds or coupons in full, then proper indorsements shall be made thereon of the amount so paid and they shall then be returned to the holders.

In case of the sale of the mortgaged property by virtue of this indenture, the principal of the bonds, if not previously due, shall immediately become due and payable, anything in said bonds, or  
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in said mortgage, or in this Indenture contained to the contrary notwithstanding. No purchaser other than the Trustee shall be responsible for the application of the purchase money. The Trustee shall execute and deliver to the purchaser or purchasers, at such sale, a bill of sale of the property sold. And the Company shall, if so requested by the Trustee, ratify and confirm all sales by executing and delivering to the Trustee, or to such purchaser or purchasers, all proper conveyances, assurances, transfers and releases as may be designated in any such request.

The proceeds of any sale shall be applied,—

First: To the payment of the costs, expenses, fees and other charges of such sale, and a reasonable compensation to the Trustee, his counsel, attorneys and agents; and of all expenses and liabilities incurred, and advances or disbursements made by the Trustee; and to the payment of all taxes, charges or other liens prior to the lien of this Indenture, except such as the sale may have been made subject to;

Second: In payment of the principal and the accrued interest of all outstanding bonds;

Third: Any surplus remaining shall be paid to the Company, its successors or assigns, or to whomsoever may be lawfully entitled to receive the same.

The Trustee may also, in his discretion, upon any default or breach in performance or observance of any condition, covenant, agreement or requirement of said bonds or this indenture or said mortgage on the part of the Company to be performed or observed, and either with or without exercising any of the rights and powers hereinbefore conferred upon him, take any other action or proceedings to enforce or protect the rights of the bondholders as he may deem necessary or expedient in the premises.

The Trustee shall not be required to take possession of the vessel and property covered by this indenture, or to take any action for the foreclosure of the said mortgage and this indenture, whether by sale under the power hereby conferred, or otherwise, or to comply with any requirements herein authorized to be made by any bondholder, until he shall have received from the bondholders requiring such action, deposit of their bonds and satisfactory indemnity against such loss, expense and liability as may be incurred by him in so doing.

No bondholder nor any bondholders shall be entitled to bring any action or suit for relief under this instrument, unless and until the Trustee, upon request in writing and performance of the conditions set forth in the last above paragraph by the holders of at least twenty-five per cent. (25%) of the amount of the bonds then outstanding and unpaid, shall refuse to discharge his duty hereunder.

It is further mutually agreed that, in case the bonds secured hereby shall be declared to be due, under the provisions hereinbefore contained, for default in payment either of any principal or interest, or of any tax or assessment, and if the Company not being otherwise in default in the performance of any covenant or agreement herein by it to be performed, shall at any time, before foreclosure sale under the said mortgage and this instrument, pay all principal due otherwise than by virtue of such declaration and all interest, taxes and assessments due, and all charges and expenses, including compensation of the Trustee, then none of said bonds shall be held to be due in consequence of such declaration and possession of the mortgaged property, if taken by the Trustee, shall be restored to the Company, foreclosure proceedings, if commenced, shall be discontinued and the said mortgage shall not be foreclosed for any previous default in payment.

If for any reasons the bonds secured hereby are declared to be due, and for that reason possession of the mortgaged property is taken by the Trustee, or if likewise for that reason proceedings in foreclosure are commenced, the Trustee may in his discretion, and provided the holders of a majority in interest of the outstanding bonds shall in writing so request, withdraw and annul such  
declaration



declaration, restore possession of the mortgaged property to the Company, and, in case of the commencement of foreclosure proceedings, discontinue them, nothing done by the Trustee on account of any default, or failure in performance of any covenant or agreement by the Company, and nothing done under the provisions of either this or the last foregoing paragraph shall prejudice or affect the powers or rights of the Trustee upon or on account of any other default or failure to comply with the terms of this instrument.

In case of a foreclosure sale of said vessel and property, either by the Trustee under any power herein granted, or in pursuance of the decree of any Court of competent jurisdiction, the Trustee shall, if so requested in writing by the holders of a majority of the outstanding bonds, bid for and purchase, unless a higher bid is made than that offered by the Trustee, the said vessel and property, and shall hold the same in trust for the holders of all such bonds as shall deposit the same with the Trustee, or the Detroit Trust Company, hereinbefore described, for that purpose, at least five (5) days before such sale, and shall, at the time of sale, either pay or secure to the satisfaction of the Trustee the payment of their proportion of the purchase price so bid; but the Trustee shall not, in case a portion only of said property is sold, bid therefor more than a reasonable price to be determined by him, or in case the entire property is sold, a price exceeding the amount of the bonds then outstanding, with accrued interest, costs and expenses of foreclosure, and of the trust, together with the amount of any prior liens.

On payment of the principal and interest of all the bonds hereby secured in full, according to their tenor, all the right, title and interest of the Trustee in the property hereby mortgaged, shall cease, and the Trustee, at the expense of the Company, shall execute and deliver to the Company, or its successors in interest, a proper release and discharge of the said mortgage and this indenture.

The Trustee shall have the privilege and right to waive any default made by the Company in any of the payments, acts and obligations to be made, done and performed by it, under the terms of said bonds and mortgage and this indenture, securing the same, if in his discretion he deems best so to do in the interest of the holders of said bonds.

No remedy herein conferred upon or reserved to the Trustee or to the holders of bonds hereby secured is intended to be exclusive of any other remedy, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

### *Article III.*

It is mutually covenanted and agreed that the bonds secured by this indenture may be registered as to the principal, in the name of the owners or their appointees, on the books of registration which the Detroit Trust Company shall keep at its office in the City of Detroit, Michigan. The registry shall also show the address of such owner or appointee to which he desires all notices under this indenture to be sent, and such registration shall be certified on the bonds by the Detroit Trust Company.

The coupons of any registered bond may be surrendered to the Detroit Trust Company and cancelled, and thereafter the interest on such bond shall be payable only to the registered holder of the bond or on his order. After such registration so certified, no transfer shall be made or shall be valid except in writing, signed by the party registered as the holder for the time being, or his legal representatives or his agent or attorney thereunto duly authorized in writing, filed with the Detroit Trust Company. The fact of such transfer shall be entered upon the bond register, and every such transfer shall be noted upon the bond. If the last transfer

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be to bearer, it shall restore to the bond transferability by delivery; and every bond shall be subject to successive registration and transfers to bearer as aforesaid, at the option of the holder. Notwithstanding registration, the interest coupons shall continue to be payable to bearer. Neither the Detroit Trust Company nor the Trustee shall be bound to take notice of any trusts appearing on or referred to in any transfer of the bonds or otherwise with respect thereto, and may transfer the same on the direction of the person registered as the holder thereof, whether named as Trustee or otherwise as though that person were the beneficial owner thereof.

It is further mutually covenanted and agreed that the Company shall be liable in person for the bonds to be issued under this indenture, and the interest thereon, and for the indebtedness evidenced thereby.

If at any time the Trustee hereunder shall become incapable of acting or unfit to act or shall resign, it shall be lawful for the holders of a majority in interest of the outstanding bonds, or for the Detroit Trust Company, as their agent, to apply to any court of competent jurisdiction for the appointment of a new Trustee hereunder. When such appointment has been made the said Alexander McPherson, Trustee, covenants and agrees for himself, his legal representatives and his heirs, that a proper legal assignment of the statutory mortgage shall be forthwith made running from him to the new Trustee appointed. Any such new Trustee in assuming this trust, shall be considered as appointed by a similar agreement. Until the time for such appointment, the Company may appoint a Trustee to act until such appointment shall be made by court. In case of the failure of the bondholders to make application for such appointment within six (6) months from the arising of such cause therefor, the Company may make application in its own name.

The Company shall execute and deliver all such instruments as may be necessary to enable the person or persons so appointed Trustee to execute the trust.

It is further mutually covenanted and agreed that the words "Trustee" as used in this instrument shall be construed to mean the person or corporation for the time being charged with the execution of the trusts of this instrument.

#### *Article IV.*

The bonds authorized by this indenture shall be regularly certified and delivered to Farrar Transportation Company, Limited, or its properly constituted agent or attorney, upon receipt of instructions so to do given under the direction of the Board of Directors of the Company to the Trustee. And the Trustee shall not be in any wise responsible for the issue or negotiation of any bonds so certified and delivered and the application of their proceeds.

#### *Article V.*

Alexander McPherson, party of the second part hereto, for himself and his successors, hereby accepts the trusts created and assumes the duties imposed by this indenture, upon the terms and conditions following, that is to say:

1. The Trustee may, if required by his duties under the terms of this indenture, select and employ, in and about the trusts and duties hereby created and imposed, suitable agents and attorneys whose reasonable compensation shall be paid to the Trustee by the Company. The Trustee shall not be liable for any neglect, omission or other wrong-doing of any such agent or attorney, if reasonable care has been exercised in his selection; nor shall he be otherwise answerable for anything whatsoever in connection with the trusts herein, save for his own wilful negligence or default. If, however

however, the Trustee shall be held answerable in damages, such damages shall, except in cases arising out of his wilful negligence or default, be repaid to him by the Company, and the same shall constitute a first lien on all the property conveyed hereby.

2. The Trustee may advise with legal counsel, and shall not be liable for any action under this indenture taken or suffered in good faith by the Trustee in accordance with opinion of counsel, which shall be conclusive on the Company, and on all holders of the bonds.

The Trustee shall not, by reason of entering into possession of the mortgaged premises, or any part thereof, be liable to account as mortgagee in possession for anything except actual receipts, or be liable for any loss upon realization, or for any default or omission for which a mortgagee in possession might be liable, and shall be answerable and accountable only for his own acts, receipts, neglects or defaults, and not for those of any banker, broker or other person with whom any trust moneys or securities may be deposited, nor for any loss unless same shall happen through his own wilful default.

The Trustee and every person appointed by the Trustee hereunder shall be entitled to be indemnified out of the mortgaged premises in respect of all liabilities and expenses incurred by him or them, or any of them, in the exercise or purported exercise of the trusts hereof, including liabilities and expenses consequent on any mistake, oversight, error of judgment, forgetfulness or want of prudence on the part of the Trustee, and against all actions, proceedings, costs, claims and demands in respect of any matter or thing done or omitted in any way relating to the premises.

The Trustee shall not be bound to take any action under this indenture unless thereto requested in writing, as hereinbefore specifically provided, and unless such request be accompanied by satisfactory indemnity against all costs, expenses and liabilities incident to the action requested.

3. It shall be the duty of the Trustee to protect the lien of the said mortgage and of this indenture, by attending to the registration of the statutory mortgage upon the ship register at the Port of Collingwood.

4. It shall be the duty of the Trustee to cause the property covered by this indenture to be insured and to be kept insured against all risks on vessel property ordinarily covered by such insurance, including marine risks and disasters, general and particular average, collision liability, protection and indemnity insurance and insurance against liability for injuries to persons in insurance companies and under forms of policies approved by the Trustee, for an amount equal to the full insurable value of said steamship, such insurance to be made with loss payable to said Trustee and the policies deposited with said Detroit Trust Company.

5. The Trustee shall be entitled to reasonable compensation for his services, and to reimbursement for all expense, including counsel fees properly incurred under this instrument, and such compensation and expenses shall constitute a first charge upon the property hereby conveyed and upon any fund which may come to the hands of the Trustee.

6. The Trustee shall not be liable for or by reason of any failure or defect of title to, or any incumbrance upon the mortgaged premises, or for or by reason of the statement of facts or recitals in the said mortgage or in this indenture or in the bonds contained, or be required to verify the same, but all such statements and recitals are and shall be deemed to have been made by the Company only; and it shall not be the duty of the Trustee, and nothing herein contained shall in any wise cast any obligation upon the Trustee to procure further, other or additional instruments of further assurance, or to do any other act for the continuance of the lien hereof, or for giving notice of such lien, or for extending or supplementing the same, or to keep itself informed or advised

as to payment by the Company of any payments which the Company should make or to require such payments to be made, except in the case of insurance, as hereinbefore provided; nor is the Trustee to be understood as making any representations as to character, extent or value of the mortgaged premises; it being hereby agreed and declared that as to all matters and things in this paragraph referred to, the duty and responsibility shall rest upon the Company and not upon the Trustee, and the failure of the Company to discharge such duty and responsibility shall not in any way render the Trustee liable, or cast upon the Trustee any duty or responsibility for breach of which the Trustee would be liable.

In witness whereof the Corporation has caused its corporate seal to be hereunto affixed and these presents to be signed by its President and its Secretary; and the said Trustee to evidence the acceptance of the said trust has likewise signed and sealed these presents.

Signed, sealed and delivered,  
in presence of  
RALPH STONE,  
McPHERSON BROWNING,  
as to Alexander McPherson.  
W. T. ALLAN,  
RALPH STONE,  
as to execution by  
C. A. FARRAR,  
President,  
and GEO. E. FAIR,  
Secretary.

FARRAR TRANSPORTATION COMPANY,  
LIMITED,  
by C. A. FARRAR,  
President.  
(Corporate Seal.)  
GEO. E. FAIR,  
Secretary.  
ALEXANDER MCPHERSON,  
Trustee.  
(Seal.)

Province of Ontario, }  
County of } SS.

On this twenty-fifth day of November, A.D. 1908, before me appeared Charles A. Farrar and George E. Fair, to me personally known, who being by me duly sworn, did say that they are the President and Secretary respectively of Farrar Transportation Company, Limited, a Corporation, and that the seal affixed to the said instrument is the corporate seal of said Corporation, and that said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and the said Charles A. Farrar and George E. Fair acknowledged said instrument to be the free act and deed of said Corporation.

(Notarial  
seal.)

W. T. ALLAN,

Notary Public in and for the Province of Ontario.

State of Michigan, SS.  
County of Wayne.

Be it known that on the twenty-seventh day of November, 1908, before me the undersigned, a Notary Public in and for said County and State, personally appeared Alexander McPherson, to me personally known as the same person described in and who executed the foregoing instrument, and acknowledged the execution of the same as his free act and deed for the uses and purposes therein expressed.

(Notarial  
seal.)

McPHERSON BROWNING,  
Notary Public, Wayne County,  
Michigan.

My commission expires June 21, 1912.

CHAPTER

## CHAPTER 152.

## An Act respecting the Merchants' Fire Insurance Company.

*Assented to 13th April, 1909.*

**W**HEREAS the Merchants Fire Insurance Company Preamble. has by petition set forth that the Company was incorporated by Letters Patent under the Great Seal of the Province of Ontario on the nineteenth day of January, one thousand eight hundred and ninety-eight, issued pursuant to *The Ontario Insurance Act*, with an authorized capital stock of \$500,000, divided into 5,000 shares of one hundred dollars each (hereinafter called "old shares") and that the amount of such capital stock subscribed for and outstanding is \$380,000, and the amount paid in on such subscribed capital stock is \$95,000, and that owing to exceptional losses from conflagrations in the past, the paid up capital stock has become impaired, and that it is necessary and expedient to reduce the capital stock of the Company as hereinafter set forth, and of the twenty-five per cent. heretofore called and paid up on said "old shares," to write off one-half, and to place the excess of the amount so written off over the actual impairment of the capital stock in a reserve fund to the credit of the Company; and whereas the shareholders of the Company having had due notice and a copy of the proposed by-law passed the same provisionally, the said by-law being expressed in the terms of sections one to eight (both inclusive) of this Act, and the said by-law to take effect only on the passing of this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in the said Let- Capital Stock.  
ters Patent incorporating the Company, the authorized capital stock of the Merchants Fire Insurance Company, shall on and from the passing of this Act be \$500,000,  
divided

divided into 10,000 shares of the par value of \$50 each (hereinafter called "new shares" or "substituted shares").

Substitution of  
"new shares"  
for "old  
shares" and  
cancellation of  
"old shares."

2.—(1) On and from the passing of this Act each shareholder of the Company shall be deemed to be and shall be the holder of as many "new shares" or "substituted shares" in the capital stock of the Company as at the passing hereof he holds "old shares" therein and, except in relation to creditors and policyholders of the Company as hereinafter provided, all "old shares" held by any shareholder shall be deemed to have been surrendered and cancelled.

What proportion  
of amount  
paid on "old  
shares" to be  
credited on  
"new shares."

(2) On the "new shares" or "substituted shares" there shall be deemed to have been paid into the Company one-half of the amount which was paid into the company upon the corresponding "old shares" and the holder of each "new share" or "substituted share" shall be liable to the Company for the difference (if any) between fifty dollars and the amount so deemed to have been paid on such "new shares" or "substituted shares"; provided if at the passing of this Act any shareholder is in default of payment of a call or calls made on the "old shares" nothing herein contained shall diminish or otherwise howsoever affect the liability of such shareholder to the Company in respect of the said call or calls.

Rights of  
creditors and  
policyholders  
not affected.

3. Nothing herein contained shall be deemed to diminish the liability (if any) of any shareholder in respect of the "old shares" to any person or persons who immediately prior to the passing of this Act was a creditor or was the holder of a policy unexpired at the passing hereof; but any payment made to the Company upon a "new share" or "substituted share" shall reduce the liability of such shareholder by the amount of such payment.

Calls on  
"new shares."

4. The directors may from time to time make such calls on "new shares" or "substituted shares" as they think fit (not in any case exceeding the amount remaining unpaid on any "new share" or "substituted share") whether such new shares are substituted for old shares or are new shares issued without such substitution; and such calls shall be payable at such times and places and in such payments or instalments as the directors appoint; provided that no call shall exceed ten per cent. and that not less than 30 days' notice of any call shall be given; provided also that no call shall be made on the "new shares" or "substituted shares" until the holders of the new shares hereafter issued without substitution shall have been called upon to pay twenty-five per cent. upon each such new share.

Issue of stock at  
\$50 per share.

5. The Company may from time to time issue at the par value of fifty dollars per share, the whole or any portion of the authorized but unissued capital stock of the Company,  
and

and so that the whole capital stock of the Company issued and subsisting shall not exceed at any time the sum of \$500,000.

6. Every new issue of the capital stock of the Company shall first be offered for subscription to the then shareholders in proportion as nearly as possible to their then respective holdings; and all shares of the capital stock of the Company shall rank *pari passu*. New issue to be offered to shareholders.

7. No shares of the capital stock of the Company shall be issued or allotted by the Company at a less price than par. No shares to be issued at less than par.

8. Of the twenty-five per cent. heretofore called and paid up on said "old shares" one-half is hereby written off and the excess of the amount written off over the actual impairment of capital stock shall be placed in a reserve fund to the credit of the Company. Reserve Fund.



## CHAPTER 153.

## An Act respecting St. John's Church, Ancaster.

*Assented to 13th April, 1909.*

Preamble.

WHEREAS the Reverend Charles Edwin Belt and Walter J. Barr and Alexander M. Postans, of the Township of Ancaster, in the County of Wentworth, Rector and Churchwardens of St. John's Church, in the Village and Township of Ancaster aforesaid, have by their petition set forth that the parcel of land known as the St. John's Church Property, in the Village and Township of Ancaster, consisting of the church site and the churchyard or cemetery grounds attached thereto, was in the year 1829 conveyed to the Honourable and Right Reverend Charles James Stewart, the second Lord Bishop of Quebec, "to and for the uses of the Protestant Episcopal Church of England and for no other purposes whatever," and that the said property, excepting a small strip thereof recently sold to the Brantford and Hamilton Electric Railway Company, has for the purposes aforesaid been since by his successor conveyed to and is now held by the Lord Bishop of Niagara as a church site and for cemetery purposes; that under the authority of an Act of the Legislature of this Province, passed in the 34th year of the reign of Her late Majesty Queen Victoria, Chaptered 82, Thomas Postans and Henry Orton, the churchwardens of the said church for the time being, by deed dated the 10th day of June, 1871, purchased a parcel of land containing six acres more or less immediately adjoining said St. John's Church Property, and erected thereon a parsonage or rectory, and that the said churchwardens and their successors in office have since held the said property, commonly known as the Rectory Lands Property, excepting a small strip thereof recently sold to the said railway company, upon and subject to the trusts upon which the same was purchased, namely, "to and for the use, occupation, enjoyment and accommodation of the clergyman or clergymen of the Episcopal or Established Church of England resident at Ancaster," from time to time; that in the year 1907 the said Brantford and Hamilton Electric Railway Company



Company located its right-of-way through the said church properties, and that upon the settlement under *The Railway Act* of the terms of sale to the said railway company the sum of two hundred dollars, being the purchase price agreed upon for the said strip of land taken for the right-of-way through the said Rectory Lands Property, was paid to and has since been invested by the Synod of the Diocese of Niagara, the income thence derivable to be applied, as in accordance with the trusts upon which the said lands were formerly held, to and for the use of the clergyman of the said church resident for the time being at Ancaster aforesaid, and the sum of twelve hundred and fifty dollars, as the purchase price for the portion of the said cemetery grounds taken by the said railway company, was paid to and is now held by the said Synod of the Diocese of Niagara, to be applied under its authority in the purchase and acquisition of other lands for cemetery purposes, and in defraying the expenses of laying out, enclosing and improving the same; that by reason of the encroachment of the right-of-way aforesaid on the said cemetery grounds other provision for cemetery purposes is immediately necessary; that interments have already been made in the portion of the said Rectory Lands Property next adjoining the said cemetery grounds and that the adjacent portions of the said Rectory Lands Property afford the most convenient and suitable location for an extension of the present cemetery, and can be converted to the uses of a cemetery without injuriously affecting the remainder of the said Rectory Lands Property, and that it is desirable to make the said necessary provision for cemetery purposes by taking in and including within the bounds of the present cemetery so much of the said adjacent portions of the said Rectory Lands Property as may be described as follows:—Being composed of part of lot number forty-five in the Second Concession of the said Township of Ancaster, and being now in the said Village of Ancaster, and being butted and bounded and more particularly described as follows, that is to say: Commencing at a point in the division line between the said Church Property and the Rectory Lands Property distant one hundred and thirty-two feet measured on a course north twenty-two degrees three minutes east from a stone monument planted in the eastern limit of the given road between lots numbers forty-four and forty-five, and marking the southwest angle of said Church Property; thence north twenty-two degrees three minutes east along the aforesaid division line between the Church Property and the Rectory Lands Property four hundred and seven feet and six inches more or less to a stone monument marking the northeast angle of the said Church Property; thence south sixty-five degrees seven minutes east along the northern limit of the Rectory Lands Property three hundred and thirty-three feet nine inches more or less to the eastern boundary of the  
said

said Rectory Lands Property; thence south twenty-two degrees three minutes west along the eastern limit of the said Rectory Lands Property one hundred and sixty feet; thence south seventy-seven degrees twenty-one minutes west four hundred and five feet, more or less, to the place of beginning, excepting out of the above described parcel of land a portion of the right-of-way lands of the Brantford and Hamilton Electric Railway, the above described parcel of land containing by admeasurement one acre and seventy-eight one-hundredths of an acre, be the same more or less; that the sum of three hundred dollars had been agreed upon as a fair consideration and purchase price for the portions of the Rectory Lands Property proposed to be converted into cemetery grounds, and that it had been agreed that upon such conversion the said amount of three hundred dollars should be held and invested by the said Synod of the Diocese of Niagara and the income thence derivable, as in accordance with the original trusts aforesaid applied to and for the use of the clergyman of the said church for the time being resident at Ancaster aforesaid, and that the vestry of the said St. John's Church, the Lord Bishop of Niagara and the Synod of the Diocese of Niagara aforesaid, and the Council of the Municipality of Ancaster have severally authorized and approved of the said proposed conversion into a cemetery of the said Rectory Lands Property aforesaid; and whereas the petitioners have prayed that an Act may be passed vesting in the Lord Bishop of Niagara and his successors in office for the purposes aforesaid the said above described parcel of land; and whereas it is expedient to grant the prayer of the said petition; and also to effectually vest the title of all the property known as the St. John's Church Property, save the portion sold to the Brantford and Hamilton Electric Railway Company, in the Lord Bishop of Niagara and his successors in office.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands vested  
in Bishop of  
Niagara.

1. The parcel of land heretofore known as the St. John's Church Property in the Village and Township of Ancaster aforesaid described in the instrument of conveyance thereof to the said Charles James Stewart, second Lord Bishop of Quebec, and being all and singular that certain parcel or tract of land and premises situate lying and being in the aforesaid village containing 2 acres and 19 perches and  $\frac{1}{2}$  of land and composed of part of Lot No. 45 in the second concession of the Township of Ancaster aforesaid butted and bounded as follows: Commencing on the east side of Wilson or Main street of the said village and in front of the said street at the distance

of

of 86 links from the southwest corner of Lot No. 14, then south 68 degrees east 4 chains, then south 22 degrees west 8 chains and 11 links, more or less to the division line between Lots No. 44 and 45 of the township, then along the said division line north 13 degrees west 6 chains and 90 links more or less to the front of the said street, and thence along the front of said street north 22 degrees east 2 chains and 50 links, more or less to the place of beginning, excepting therefrom the portion of the right of way of the Brantford and Hamilton Electric Railway, is hereby vested in the Lord Bishop of the Diocese of Niagara and his successors in office forever for all the estate right title and interest of the herein above named Charles James Stewart, second Lord Bishop of Quebec, and his successors in office and of their respective heirs and assigns and of all other persons having or claiming any estate or interest from or through the aforesaid persons or any of them, including His Majesty the King, his heirs, successors and assigns, and for all and every other estate whatsoever, to hold the same to and for the uses for which the same were originally conveyed to the said second Lord Bishop of Quebec and subject to the same trusts so far as they are now capable of taking effect.

2. The parcel of land comprising portions of the said Rectory Lands Property and hereinbefore more particularly described by metes and bounds, excepting therefrom the right-of-way lands of the said Brantford and Hamilton Electric Railway, is hereby vested in The Lord Bishop of the Diocese of Niagara and his successors in office forever, to hold the same for the purposes of a cemetery and to and for the same uses and upon and subject to the same trusts, so far as they are now capable of taking effect as those upon which the property known as the St. John's Church Property is now held, and the churchwardens of the said church are hereby authorized and empowered to grant and convey the said parcel of land to the Lord Bishop of Niagara and his successors for the purposes and uses aforesaid and upon the execution of such conveyance the said parcel of land and the churchwardens of the church are declared to be and are hereby discharged and freed from the trusts upon which the said parcel of land as portion of the said Rectory Lands Property has been heretofore held.

Authority to  
use certain  
lands for a  
cemetery.

3. The said sum of three hundred dollars, being part of the purchase price for the portion of the cemetery grounds of the said church taken for its right-of-way by the said railway company and now held by the said Synod of the Diocese of Niagara, shall together with the said sum of two hundred dollars already held and invested for the purposes aforesaid, hereafter be held by the said Synod

Purchase  
money to be  
invested on  
certain  
securities.

in

in trust to be invested in such securities as those in which the said Synod is authorized to invest its other trust funds, the income thence derivable to be applied to and for the use of the clergyman of the said church resident from time to time at Ancaster aforesaid.

## CHAPTER 154.

## An Act respecting Knox Church Burying-Ground.

*Assented to 13th April, 1909.*

**W**HEREAS the Trustees of the Presbyterian Congregation of Knox Church, Toronto, have by their petition shewn that by Letters Patent, under the Great Seal of the Province of Upper Canada, bearing date 15th April, 1825, His Majesty, George IV., of his special grace, certain knowledge and mere motion, granted to Colin Drummond, Jesse Ketchum, William Stevenson, Peter McPhail and William Arthurs, all of the Town of York (now the City of Toronto) and their successors in office, as Trustees, to be annually chosen by the Presbyterian congregation, then resident in the Town of York, after the manner provided in an Act of said Province, passed in the fourth year of the reign of His said Majesty, Chaptered 84, intituled "An Act to enable the Presbyterian congregation of the Town of York, to purchase one or more parcels of ground sufficient for the erection of a church and burying ground" that parcel of land situate in the Town of York (now the City of Toronto) in the County of York, in the home district, containing by admeasurement one-half of an acre be the same more or less, being the gore lot between lots numbers four and five on the north side of Duchess Street, for the purpose of a burying-ground; and that by an Act of the Parliament of Canada passed in the twentieth year of the reign of Her Majesty, Queen Victoria, Chaptered 218, after reciting among other things that another congregation of Presbyterians had in the year 1844 united with the Presbyterian congregation of York, it was set forth that the united congregations were then known as Knox Church; and that the Trustees of the Presbyterian congregation of Knox Church have been annually elected ever since the time of the issue of said Letters Patent, and are the successors of the Trustees of the Presbyterian congregation of the Town of York; and that the said parcel of land is now held by them as a burying-ground; and that the said Trustees and their successors in office have been in continuous possession of said premises

Preamble.

since

since the issue of said Letters Patent, and have permitted the same to be used as a burying-ground; and that many years ago some bodies were interred in the said lot, but no record appears to have been kept of these interments, and the said Trustees do not know of any bodies having been buried there for fifty years; and that neither the said Trustees, nor so far as they can ascertain, their predecessors, ever granted any burial plot, or license to any one to use any particular portion of said premises for interment, or received any fees for permitting burials to be made in said lot, or for keeping the grounds in order, or entered into any obligation with any one to do so, neither did they ever hear of any one making any inquiries about the persons buried in the said lot, or having any interest therein; and that the said Trustees and their predecessors have kept the said premises fenced, and about thirty-eight years ago the predecessors of said Trustees erected on part of said lot, a building for Sunday School and Missionary purposes; and that under municipal regulations the said premises can never be again used for burial purposes; and that from the change in the locality in which the lot is situated and of the surroundings of the premises, the Sunday School and Mission cannot be longer carried on with advantage; and that the said premises are now practically of no use and only entail on your petitioners a bill of expense for keeping the same fenced; and that it would be in the interests not only of the congregation of Knox Church, but the whole Presbyterian Church in Toronto, that said lands should be sold or leased and the proceeds applied in or towards the prosecution of mission work or church extension in the said City under the direction of the Congregation of Knox Church; and that the Congregation of Knox Church at a general meeting thereof held on the 15th day of January, A.D. 1908, instructed the said Trustees to apply to the Legislative Assembly of the Province of Ontario, for an Act authorizing them to sell or lease the said lands; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees  
authorized to  
sell or lease  
certain lands.

1. The Trustees of Knox Church, Toronto, are hereby empowered to lease or sell and dispose of for cash, or on credit, or partly for cash and partly on credit, the said gore lot between lots numbers four and five on the north side of Duchess Street, in the City of Toronto, in the County of York, containing by admeasurement one-half of an acre, more or less; provided always that any such lease or sale shall be first approved by the said congregation at a general meeting of the members thereof, duly called

called for the purpose of considering such proposed lease or sale, by notice given from the pulpit of the said Church during Divine service, in the forenoon, for two successive Sundays, immediately preceding the said meeting and that the consent of such meeting to said lease or sale shall be sufficiently testified by the execution of a lease or conveyance of said lands to the lessee or purchaser thereof, by the chairman of the said meeting; provided further that the sanction of the Presbytery of Toronto, in that behalf shall have been also first obtained before any such lease, sale or disposition be made.

2. All moneys to be derived from the leasing or sale of said lands shall be held by the Trustees for the then time being of Knox Church, on trust, for the purchase of another site in the City of Toronto, for the erection of another place of worship, or Sunday School, or for church extension and mission work, to be approved of by the said congregation and sanctioned by the said Presbytery.

Application of  
proceeds of  
sale, etc.

3. In the event of any bodies being found buried in the said lands, the said Trustees shall, before exercising any of the powers mentioned in section 1 of this Act, at their own expense remove the same to some cemetery in or near to the said City of Toronto, and there re-erect any monuments or head stones now on the lands from which the remains shall have been so removed.

Removal of  
bodies.

4. Upon the Trustees satisfying the Senior Judge of the County Court of the County of York for the time being, that they have removed from the said lands and reburied, as above directed, any of the remains which, with the exercise of reasonable diligence, they were able to find buried on the said lands, it shall be lawful for the said Judge to certify under his hand that all the said remains of the dead, so far as the same can be discovered, have been so removed, and such certificate shall be registered in the registry office for the Eastern Division of the City of Toronto, on the production thereof to the Registrar and the payment to him of one dollar, as a fee for such registration, and such certificate so registered shall be conclusive evidence that the said Trustees have removed from said lands all the remains there buried and which, by this Act, they are required to remove.

Certificate of  
Senior County  
Judge as to  
removal of  
bodies.

## CHAPTER 155.

An Act to confirm a Conveyance of certain lands from the Trustees of the Collier Street Methodist Church of the Town of Barrie to Charlotte Agnes Hambly.

*Assented to 13th April, 1909.*

Preamble.

WHEREAS the Trustees of the Collier Street Methodist Church, in the Town of Barrie, in the County of Simcoe, have, by their petition, represented that the land hereinafter described and known as the Old Eugenia Street Wesleyan Methodist Burial Ground in the said Town of Barrie was, in the year A.D. 1856, conveyed by one David Morrow to Andrew Graham, David Morrow, James Edwards, John Laird, Allan Lloyd, William Boone Clark, Amos Arksey, Nathaniel King, and George Lane, of the said Town of Barrie, the then Trustees of the Collier Street Wesleyan Methodist Church, to be held by them, the said Trustees, and their successors in office, in trust for the use of the Barrie Congregation of the said Wesleyan Methodist Church in Canada in connection with the English Conference as a burial ground, and upon further trusts as are expressed and contained in a deed dated the 24th day of May, A.D. 1850, made between Joseph Bloor, of Yorkville, as Grantor, and the trustees of the Yorkville Congregation of the Wesleyan Methodist Church in Canada, as Grantees, which deed was duly registered in the registry office for the County of York, and the form of which deed was duly inserted in the Book of Discipline of the said Wesleyan Methodist Church in Canada and adopted, and to be known thereafter as "The Church Deed Form"; and whereas the land so conveyed as aforesaid to the said trustees may be more particularly described as being lots numbers one, two, three and four on the south side of Eugenia Street, in the said Town of Barrie, according to registered plan number eighteen; and whereas by an Act passed in the thirty-eighth year of Her late Majesty's reign, Chaptered 78, intituled *An Act Respecting the Methodist Church of Canada*, the said Wesleyan Methodist Church in Canada

in



in connection with the English Conference was thereafter to be known as "The Methodist Church of Canada"; and whereas by an Act passed in the 47th year of Her late Majesty's reign, Chaptered 88, and intituled *The Methodist Church Act, 1884*, the said "The Methodist Church of Canada" was thereafter to be called and known as "The Methodist Church;" and whereas the said lands and premises were up to the year A. D. 1879 used as a burial ground for the congregation of the said Collier Street Methodist Church of Barrie, and since the year A.D. 1879 the said lands have not been used as a burial ground, a Union Cemetery having been in the said year provided for, and used by, all Protestant Denominations in common; and whereas the petitioners herein are the duly appointed trustees of the said Collier Street Methodist Church in Barrie, and are the successors in office of the said trustees above named; and whereas the said lands not being thereafter necessary for the use of the congregation of the said Collier Street Methodist Church, and having been for years lying in common, unfenced, the said trustees, the petitioners herein, by resolution, authorised the sale of the said lands, and on the 14th day of November, A.D. 1905, did sell and convey by deed in fee simple, the said lands to one Charlotte Agnes Hambly for \$200.00 which was considered the fair value of the said lands; and whereas the said trustees have caused to be removed to the Union Cemetery all the bodies buried in the said lands, so far as they have been able to locate them; and whereas doubts having been raised as to the right of the petitioners herein, the trustees of the Collier Street Methodist Church in Barrie, to close the said lands as a burial ground, and to sell and dispose of the same in fee simple, it is therefore advisable that an Act of this Legislature should be passed closing the said lands as a burial ground, and vesting the same in the said trustees in fee simple upon trust to sell the same for the benefit of the said congregation of the Collier Street Methodist Church, and also ratifying and confirming the sale heretofore made by the said trustees to the said Charlotte Agnes Hambly; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said trustees shall forthwith after giving notice as hereinafter mentioned, at their own expense remove from the said Old Burial Ground the remains of the dead therein interred (if any) to the New Union Cemetery provided for the general public of the said Town of Barrie as aforesaid, and re-inter such remains decently and in order, and re-erect any monument or head stone erected in

Authority to  
remove re-  
mains of dead.

in the said Old Burial Ground at the time of such removal, and so far as reasonably may be, with due regard to the wishes and desires of the relatives or friends of the deceased as to the manner of such removal and re-interment, and so that such re-interment shall be in burial places or plots corresponding in size as nearly as may be with those from which such remains shall have been removed.

Notice of  
intention to  
remove bodies  
to be given.

2. The said trustees shall, before removing the remains as aforesaid, give written notice to the relatives of the dead, when known, and during the period of one month publish a notice once in each week in a newspaper, published in the said Town of Barrie, stating their intention to remove the said remains upon a day to be named in the said notice, which day shall not be less than six weeks after the first publication of such notice, and the said trustees shall be required to pay all reasonable expenses incurred or sustained by the relatives in the removal of said remains, and no further or other notice to the friends or relatives of the deceased shall be necessary.

Conveyance to  
Charlotte  
Hamblly con-  
firmed after  
certificate of  
Judge as to re-  
moval of re-  
mains of dead.

3. It shall be the duty of the said trustees to use due care and diligence to remove the remains of all the dead from the said burial ground, and if it shall be made to appear to the Judge of the County Court of the County of Simcoe and if he shall so certify under his hand that the remains of all the dead now interred in said burial ground so far as the same can be discovered have been removed from the said burial ground, such certificate shall be registered in the Registry Office of the said county on the production thereof to the Registrar and the payment to him of one dollar as a fee for such registration, and thereupon the conveyance of the said burial ground, being composed of Lots numbers 1, 2, 3 and 4 on the south side of Eugenia street in the said Town of Barrie, according to registered plan number 18, from the then trustees of the said Collier Street Methodist Church to Charlotte Agnes Hamblly, bearing date on or about the fourteenth day of November, 1905, shall be ratified and confirmed and be held to pass and to have passed the said lands freed and discharged from the trusts upon which the same were held by the trustees of the said church, and freed and discharged from all estates, rights, interests or claims therein or thereto of the said trustees or their successors, of David Morrow mentioned in the preamble to this Act, his heirs or assigns, and of any other person claiming by, from or under them or any of them.

## CHAPTER 156.

An Act respecting the Trusts of the Conveyance of certain lands to Trustees for "The Tabernacle Church."

*Assented to 13th April, 1909.*

WHEREAS by indenture dated the thirtieth day of <sup>Preamble.</sup> June, 1906, and made between James Bishop and Robert McCauley, both of the City of Toronto, in the County of York, Builders, of the First Part, Capitola Bishop, of the said City of Toronto, wife of the said James Bishop, and Agnes McCauley, of the Second Part, and William Garside, Merchant, George Booth, Manufacturer, and Thomas Fussell, all of the said City of Toronto, the Trustees of the Tabernacle Church, Toronto, of the Third Part, and registered in the registry office for the Western Division of the said City of Toronto, on the fifth day of July, 1906, as registered number 27831 J; certain lands therein described were conveyed to the said Trustees pursuant to the provisions of Chapter 307 of the Revised Statutes of Ontario, intituled *An Act respecting the Property of Religious Institutions* upon certain trusts therein set out; and whereas amongst other trusts it was in said conveyance declared that if at any time hereafter from any cause, the number of members of the said Church, in good standing, shall fall below the number of twenty, such Church may by a four-fifths vote of the members present at any meeting duly called for that purpose, direct that a sale of the church property be made in accordance with the provisions of the said Chapter 307 of the Revised Statutes of Ontario, 1897, and the Trustees, for the time being, were thereby authorized to obey and should obey such direction, but in such case, the Church, by the same vote, should direct to what Foreign Missionary Society for the Propagation of the Gospel the Trustees, for the time being, should pay the proceeds of such sale, it being understood that the proceeds of such sale must be donated to a Foreign Missionary Society for the Propagation of the Gospel; and whereas subsequently to the said conveyance, the then Trustees of the said Tabernacle Church erected upon the said

said lands, a church building and to raise funds for that purpose, mortgaged the said lands to secure the repayment of the same; and whereas certain members of the congregation of the said Tabernacle Church guaranteed repayment of the said mortgage and interest thereon and became liable for a sum in excess of the principal money secured by the said mortgage; and whereas at a meeting of the congregation of the said Tabernacle Church duly called according to the provisions therefor and held on the twentieth day of May, 1908, it was resolved that the trusts of the conveyance, hereinbefore referred to should be reformed so that in the event of a sale of the said lands, while the said guarantors remained liable for any sum under the said guarantee, or while any sum which they had paid thereunder remain unpaid to them, the purchase money on such sale should first be applied on repayment of the said mortgage and interest thereon or on repayment of the amount severally paid thereon by the said guarantors to the said guarantees or their heirs, executors, administrators or assigns and that the balance should be paid to a non-denominational Foreign Missionary Society for the Propagation of the Gospel; and whereas the Trustees of the said Tabernacle Church have prayed that the trusts of the said conveyance should be reformed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trusts of Con-  
veyance  
reformed.

1. The trusts of the conveyance above referred to respecting the disposition of the proceeds of the lands therein described are hereby reformed so that the same shall be as follows:—

Disposition of  
proceeds of  
sale of lands.

And it is hereby further declared if at any time hereafter from any cause, the number of members of the said Church in good standing shall fall below the number of twenty, such Church may, by a four-fifths vote of the members present at any meeting duly called for that purpose, direct that a sale of the church property be made, in accordance with the provisions of said Chapter 307 of the Revised Statutes of Ontario, 1897, and the Trustees, for the time being, are hereby authorized to obey and shall obey such direction, and the proceeds of such sale shall be applied, first, in repayment of any mortgage upon the said church property together with interest thereon and any other sums which may be charged upon said property, second, in repayment of any sums which may have been paid by any surety or guarantor of any mortgage, charge or incumbrance upon the said church property to such sureties or guarantors rateable in case of there being a deficiency or to their heirs

heirs, executors, administrators or assigns, and, lastly, the balance of such proceeds to such non-denominational Foreign Missionary Society for the Propagation of the Gospel as the members of the said church shall by vote at the time of directing a sale of said church property direct the same to be paid.

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## CHAPTER 157.

An Act to incorporate the Board of Trustees of the  
Bruce Mines Hospital and for other purposes.

*Assented to 13th April, 1909.*

Preamble.

WHEREAS in or about the month of January, 1901, The Bruce Copper Mines, Limited, established a fund for the benefit of their employees at Bruce Mines, designated The Mutual Relief and Hospital Fund of The Bruce Copper Mines, Limited, and under and pursuant to an arrangement between the Company and its employees in that behalf, a percentage of the wages of the employees was deducted every month and placed to the credit of said fund, which said fund so formed as aforesaid was continued until the closing down of the works of said Company in the year 1904, when there remained to the credit of said fund the sum of one thousand four hundred and fifty-one dollars and twenty-six cents (\$1,451.26); and whereas the said Company in the month of March, 1904, concluded to distribute the said fund amongst all those who had contributed thereto, less their proportionate shares of expenses connected therewith and for the purpose of such distribution duly advertised for claims against the said funds in the *Bruce Mines Spectator* and in the *Ontario Gazette*; and whereas the said Company in answer to the said advertisement received claims of contributors to said fund amounting in all to \$729.86, leaving a balance of \$710.16 of said trust fund unclaimed in the hands of the said Company; and whereas on or about the fourteenth day of March, 1905, the said The Bruce Copper Mines, Limited, obtained an order from the High Court of Justice permitting it to pay into Court the said sum of \$710.16 so unclaimed, less the sum of \$30 for costs and discharging it of and from all claims and demands and from all liability in respect of said sum of \$710.16 upon payment of same into Court as aforesaid; and whereas the said Company has not distributed the said sum of \$729.86 so claimed as aforesaid except the sum of \$24.75 and has not paid the said sum of 710.16 into Court, and both sums are still in the possession and control of the  
said

said The Bruce Copper Mines, Limited; and whereas in or about the year 1906 The Copper Mining and Smelting Company of Ontario, Limited, took over all the property and assets theretofore owned by The Bruce Copper Mines, Limited, and again commenced the operation of the mines situate thereon and continued to provide a fund for the benefit of their employees in the same manner adopted by their predecessors, The Bruce Copper Mines, Limited, said fund being designated as the Hospital Fund of the said Company; and whereas The Copper Mining and Smelting Company of Ontario, Limited, has recently gone into liquidation and the liquidators thereof have sold and disposed of all the assets of said Company and there is now to the credit of said Hospital Fund in the Imperial Bank of Canada at Sault Ste. Marie the sum of \$651.13; and whereas Dr. Albert Downing of Bruce Mines is the sole resident trustee of said funds or either of them; and whereas the said trustee and a large number of the contributories to said funds have requested the Municipal Council of the Corporation of the Town of Bruce Mines to take the necessary steps to secure legislation providing for the appointment of a Board of Trustees to receive and take possession of said funds and to control and manage the same; and whereas the said Dr. Albert Downing and the Corporation of the Town of Bruce Mines have by their petition prayed that an Act may be passed providing for the appointment of a Board of Trustees to receive and take possession of and to control and manage the same; and whereas it is expedient to grant the prayers of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Municipal Council of the Corporation of the Town of Bruce Mines may appoint a Board of Trustees consisting of five members, of which Board the Mayor of the Town of Bruce Mines shall be *ex-officio* a member and chairman, and of the other four members first appointed, one shall hold office for one year, one for two years, one for three years and one for four years; all other trustees shall hold office for four years. Upon the death, resignation or disqualification of a member of the Board, the Council may appoint another member to hold office for the remainder of the term for which such first mentioned member was appointed. All members of Board must be resident ratepayers of the town and if any member of Board ceases to be a resident ratepayer of the town, he shall *ipso facto* be disqualified from continuing a member of Board and a new trustee shall be appointed in his stead.

Appointment  
of Board of  
Trustees by  
town council.

Incorporation  
of Board and  
powers.

2. The Board so appointed shall be a corporation under the name of "The Board of Trustees of The Bruce Mines Public Hospital," and shall have full power and authority to accept, recover, receive and take possession of the funds mentioned in the preamble to this Act and the monies in the possession and under the control of The Bruce Copper Mines, Limited and the Imperial Bank of Canada mentioned therein, and all other monies forming part of such funds or monies in the hands of any person whatsoever, and the Board shall have further power to accept and receive all monies heretofore or hereafter contributed to such funds or for any objects over which the Board shall have authority; and it may invest such funds and monies and any other funds or monies that may come into its possession or control in any of the securities authorized by *The Trustee Investment Act*.

9 Edw. VII.,  
c. 59.

Board to erect  
hospital with  
monies  
received.

3. The Board shall have full power and authority to employ said funds and monies and all other funds and monies contributed to or received by it for the purpose of erecting and maintaining a hospital at the Town of Bruce Mines: the Board shall have full power and authority to make all rules and regulations and to do all matters and things requisite or necessary to provide for the erection of such hospital and the maintenance, control and management of the same.

If hospital not  
erected in five  
years funds  
may be used  
for charitable  
purposes.

4. If at the expiration of five years from the passing of this Act the Board shall not have erected the hospital and shall be of the opinion that the conditions existing in the town do not warrant the same, the Board may apply and use such funds and monies together with all accumulated interest and further contributions and donations for the purpose of purchasing, erecting, maintaining or assisting any other charitable or public institutions they may deem suitable for the Town, or for any philanthropic, charitable or public institution that the Board may deem proper; and the Board shall have full power and authority to make all regulations and to do all things that may be necessary for the erection, conduct and maintenance of any such institution.

Appointment  
of treasurer,  
secretary, etc.

5. The Board may appoint a treasurer, a secretary and other officers for conducting its affairs, and for the discipline and management of any hospital or other institution carried on by it, and may make by-laws, rules or regulations for conducting the affairs of the Board.

Power to pur-  
chase land and  
receive gifts,  
bequests, etc.

6. The Board may purchase or acquire any lands necessary for its purposes and may take by gift, devise or bequest, lands or tenements or any interest therein, subject to the provisions of *The Act Respecting Benevolent, Provident and other Societies*.



## CHAPTER 158.

An Act respecting the Owen Sound Young Men's  
Christian Association.*Assented to 13th April, 1909.*

**W**HEREAS the Owen Sound Young Men's Christian Association has for its object the spiritual, mental and physical welfare of the young men of the Town of Owen Sound and the neighbourhood thereof and the promotion of Christian work in that town; and whereas the Municipal Council of the Town of Owen Sound have by petition prayed that the buildings of the said Association and the lands whereon same are erected be exempted from taxation except for local improvements; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Such buildings of the Owen Sound Young Men's Christian Association and the lands whereon the same are erected as are or may be hereafter occupied by and used for the purposes of the said Association are declared to be exempted from taxation except for local improvements.

Exemption  
from  
taxation.

## CHAPTER 159.

## An Act respecting The Salvation Army.

*Assented to 13th April, 1909.*

Preamble.

**W**HEREAS The Salvation Army have by their petition represented that they have petitioned the Parliament of Canada for an Act to incorporate the Governing Council of The Salvation Army, and are desirous of having an Act passed by the Legislature of this Province, to vest in the said Governing Council of The Salvation Army, all the property in Ontario, now held by or vested in trust in any person or persons for The Salvation Army, and to confer upon the said Governing Council of The Salvation Army such further powers as may be requisite; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

Property held  
by Thomas B.  
Coombs and  
others to be  
vested in  
Governing  
Council of  
Salvation  
Army when  
incorporated.

1. As soon as the said Act of Incorporation shall come into force all the property, real and personal within the Province of Ontario, now belonging to or held by Thomas Bales Coombs, individually or as Commissioner of the Salvation Army, or by any other officer or member of the Salvation Army, or by any person in trust for the purposes and benefits of or to the use of the said The Salvation Army, or given to or for The Salvation Army, or held in trust for or to the use of any Corps or Branch of the said The Salvation Army, or for any Hospital or Institution owned by or carried on by The Salvation Army, or by any person for or under the direction of The Salvation Army, within the said Province shall, subject to the trusts, if any, upon which such property is held, henceforth become and be, without the execution or registration of any deed, conveyance or transfer thereof, vested in, and held, used and administered by the Governing Council of The Salvation Army hereinafter called "The Council."

2.—(1) The said Thomas Bales Coombs or any other officer or member of the Salvation Army or any other person holding lands in trust as mentioned in section 1 may give notice in writing to the proper Registrar of Deeds or the Master of Titles or Local Master of Titles, as the case may be, that the lands described in the notice are so held in trust, and the Registrar, Master of Titles or Local Master of Titles shall file the notice in his office and shall enter in the abstract index or land titles register, against the lot or parcel affected a reference to this Act, giving the title, Regnal year and chapter number of the same.

Notice declar-  
ing trust to be  
filed.

(2) Such notice shall be signed in the presence of a subscribing witness and an affidavit of execution by such witness shall be endorsed on or attached to the notice.

Affidavit of  
execution.

(3) The giving of such notice and the making of the entry shall have the same effect as the registration of a declaration of trust by the person in whose name the lands are held in the registry office or the entry of a caveat by him upon the land titles register.

Effect of  
notice.

(4) The fee payable upon the filing the notice and making the entry shall be twenty-five cents for each entry in the abstract book and in the land titles register.

Fee.

3. For the purpose of proving the transmission of title of any property aforesaid from the said Thomas Bales Coombs, individually, or as Commissioner of The Salvation Army, or from any other officer or member of The Salvation Army, or from any person holding the same in trust for the purposes and benefits of, or to the use of the said The Salvation Army, it shall be sufficient, in order to satisfy the requirements for registration under *The Land Titles Act*, or *The Registry Act*, or any other Act of the Province, affecting the registered title to lands or to goods and chattels to recite in any instrument executed by the Council, and dealing with such property or any interest therein, the title of this Act, and the Chapter number of the same and the year in which it was passed.

Method of  
proving  
transmission  
of title.

4. Nothing in this Act contained shall affect the right of a *bona fide* purchaser for valuable consideration from the said Thomas Bales Coombs or any other officer, or member of the Salvation Army, or any other person holding lands in trust as mentioned in section 1, unless such purchaser has actual notice that the lands have become vested in the Council by virtue of this Act, but the entry under subsection 1 of section 2 by the Registrar or other officer in the proper abstract index or land titles register shall be deemed actual notice.

Purchaser  
for value  
without notice  
not affected.

Power to hold  
lands by gift,  
devise, etc.

5.—(1) Subject to the provisions of *The Mortmain and Charitable Uses Act* any person may grant, give, devise or bequeath to the Council, and the Council may receive, by grant devise, bequest or gift, and acquire by agreement, purchase or otherwise, lands or other property, or any interest therein, and hold the same in trust for the purposes of The Salvation Army, with power to charge, sell or otherwise deal with or dispose of the same upon such terms and in such manner as it may deem expedient, for the purposes aforesaid, and any devise, bequest or gift of any lands or other property, or interest therein to The Salvation Army, or to any of the purposes or objects being carried on under the auspices, direction and control of The Salvation Army shall be deemed a devise, bequest or gift, to the Council, and shall be held, administered and applied for the purposes aforesaid.

(2) Nothing in this section shall confer upon the Council power to charge or sell or otherwise deal with or dispose of such lands or property or of any interest therein otherwise than as required by the said Act against the provisions of the instrument creating or declaring the trust upon which the same are to be held.

Short title.

6. This Act may be known and cited as *The Salvation Army Property Act*, and shall come into force upon the passing of the said Act incorporating the Governing Council of The Salvation Army.

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## CHAPTER 160.

## An Act to incorporate the Toronto West End Young Men's Christian Association.

*Assented to 13th April, 1909.*

**W**HEREAS under and by virtue of the Statutes in-<sup>Preamble.</sup>corporating the Toronto Young Men's Christian Association, passed in the 31st and 53rd years of the reign of Her late Majesty Queen Victoria, and Chaptered 59, and 147 respectively, a branch of the said Association was formed and has been carried on for some years under the name of the West End Branch of the Toronto Young Men's Christian Association; and whereas the work of the said branch can be carried on with greater permanency and efficiency if incorporated; and whereas J. J. Copeland, W. M. Wallace, Walter Harland Smith, and A. J. Keeler, officers and members of the committee of the said branch, acting on behalf of and by the instruction of the said committee and with the approval of the said Toronto Young Men's Christian Association, have by petition prayed to be incorporated with power to acquire and hold freehold or leasehold or other interests in real estate and other property for the purposes of the Association and with other powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. S. J. Moore, Thomas Findley, J. J. Copeland, Andrew<sup>Incorporation.</sup> Bates, W. J. Lind, J. B. Hay, S. Henderson, A. J. Keeler, W. H. Scott, E. H. A. Watson, Walter Price, George Glendenning, Walter Harland Smith, Charles Bauckham, H. Brines, W. M. Wallace and D. E. Hughes and such other persons as are now or shall hereafter become members of the said Association, shall be and they are hereby constituted a body politic and corporate under the name of the "Toronto West End Young Men's Christian Association," and shall have power to acquire and hold real estate in the City

City of Toronto or any leasehold or other interest therein, provided the annual value of the real estate so acquired or held and not actually used for the work of the said Association does not exceed at any one time \$10,000, and the same or any part thereof to alienate, mortgage, lease or otherwise charge or dispose of as occasion may require, and may also acquire any other real estate or interest therein (so as that the annual value of the same shall not at any one time exceed \$5,000) by gift, devise or bequest if made at least six months before the death of the party making the same, and may hold such estate or interest therein for a period of not more than seven years, and may within that period alienate or dispose of the same; and the proceeds of such estate or interest therein as shall have been so alienated or disposed of shall be invested in public securities, county or municipal debentures, or other approved securities for the use of the said Corporation; and such estate or interest therein as may not within the said period have been alienated or disposed of may be forfeited to the Crown.

Not to trade in  
real estate.

2. Nothing herein contained shall authorize the said Corporation to engage in the business of trading in real estate.

Constitution  
and by-laws.

3. The constitution and by-laws of the said branch Association, prior to its incorporation and under which the said Association has been conducted, are and shall continue to be the constitution and by-laws of the said Association, but they or any of them may be added to or repealed and others substituted therefor.

Directors.

4. The Corporation may by by-law provide for the number of directors and as to their qualification, mode of election and the time for which they shall hold office, and may by by-law from time to time increase or decrease such number.

Officers.

5. The officers of the said branch at the time of the passing of this Act shall be the officers of the said Corporation and shall retain their respective offices until others shall be elected in their place.

Conveyance of  
property.

6. The Toronto Young Men's Christian Association shall, as soon as may be after the passing of this Act, convey to the said Corporation the real estate and personal property occupied and used by the said Corporation.

Objects of  
corporation.

7. The object of the said Corporation shall be the spiritual, mental, social and physical improvement of young men by the maintenance and support of meetings, lectures, reading rooms, library, gymnasiums and such other means as may from time to time be determined upon.

8. The said Corporation shall have power to establish a Technical system of technical education, including such branches of education. science and development of such of the industrial arts or other lines of education, as the Board of Directors of the said Corporation may from time to time determine.

9. The buildings, lands and equipment of the said Corporation, so long as and to the extent to which they are occupied by and used for the purposes of the said Corporation, are declared to be exempted from taxation, except for local improvements. Exemption from taxation.

10.—(1) Every contract, agreement, engagement or bargain made and every bill of exchange drawn or accepted, and every promissory note and cheque made or drawn on behalf of the said Corporation by the President, Vice-President, Financial Secretary and Treasurer of the Corporation, or any two of them, in general accordance with their powers as such under the by-laws of the Corporation, shall be binding upon the Corporation, (but promissory notes or cheques payable to the order of the Corporation may be endorsed by either of these officers), and in no case shall it be necessary to have the seal of the Corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any special by-law or special vote or order; nor shall the party so acting within his authority as agent, officer, or servant of the Corporation be thereby subjected individually to any liability whatsoever in respect thereof. Contracts, negotiable instruments, etc.

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank.

11. Any personal estate by will directed to be laid out in the purchase of land to or for the benefit of the Corporation shall, except as hereinafter provided, be as valid and as capable of being held to or for the benefit of the Corporation as a bequest of personal estate would be by a will containing no direction to lay it out in the purchase of land. Personal estate to be held as though not directed to be laid out in purchase of land.

12. The High Court, or a Judge thereof sitting in chambers, if satisfied that land devised by will to or for the benefit of the Corporation, or proposed to be purchased out of personal estate by will directed to be laid out in the purchase of land, is required for actual occupation for the purposes of the Corporation and not as an investment, may by order sanction the retention or acquisition, as the case may be, of such land. Judge of High Court may sanction retention or acquisition of land.

## CHAPTER 161.

An Act respecting The Upper Canada Bible Society,  
and The Upper Canada Religious Tract and  
Book Society.*Assented to 13th April, 1909.*

Preamble.

**W**HEREAS the Upper Canada Bible Society was incorporated by an Act of the late Parliament of Canada, passed in the eighteenth year of the reign of Her late Majesty, Queen Victoria, Chaptered 229, and the Upper Canada Religious Tract and Book Society by an Act passed in the same year, Chaptered 230; and whereas the late Jesse Ketchum, formerly of the City of Toronto, by a conveyance dated the 7th day of May, 1858, conveyed to the said two societies:—A certain parcel of land on Yonge Street in the said City of Toronto, being the land upon the front portion of which the store occupied by the said two Societies is situate; and whereas the said Societies have found the said store insufficient for their business, and desire authority to build at the rear of the said store, now on said land, and to enlarge and extend the present building thereon; and for these purposes to borrow money upon the security of the said land; and whereas the said Societies have by their petition prayed that an Act may be passed for such purpose;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to erect  
buildings and  
borrow money.

1. The said Societies may build at the rear of the land upon which the store of the said Societies is situate, and may enlarge, improve, and extend, or reconstruct the building now on the said land, and may borrow from any person or persons willing to loan the same such monies as may be required for the purposes aforesaid, and may mortgage the land firstly above mentioned in order to secure the loan or loans; but no property of the said Societies, except their interest in the said land shall be liable for any such loans.

Expenses of  
Act.

2. The expense of obtaining this Act may be defrayed by the said Societies out of the monies of the said Societies.

CHAPTER



## CHAPTER 162.

## An Act to amend the Act respecting the School of Mining and Agriculture at Kingston.

*Assented to 13th April, 1909.*

**W**HEREAS the School of Mining and Agriculture, a <sup>Preamble.</sup> Corporation duly incorporated under *The Act respecting Benevolent, Provident and other Societies*, and under the Act respecting the said School, passed in the fifty-sixth year of the reign of Her late Majesty, Queen Victoria, Chaptered 11, has established at the City of Kingston, a School of Mining and also a Dairy School for the purpose of giving instruction in those subjects, as set forth in its Act of Incorporation; and whereas great and substantial benefits have resulted to the Province from the establishment of said schools; and whereas with the view of increasing its efficiency and extending its usefulness the said Corporation desires to increase its capital stock, to erect additional buildings, and to enlarge its Board of Governors.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The capital stock of the said Corporation is hereby <sup>Capital stock.</sup> increased to \$500,000, divided into 5,000 shares of \$100 each.

2. In addition to the Governors provided for by the said Act of Incorporation, four Governors may be appointed <sup>Appointment and election of governors.</sup> by the Lieutenant-Governor-in-Council, and four Governors shall be elected by the graduates of the School of Mining, and four Governors shall be elected by the stockholders in addition to the twelve Governors now elected by them.

3. One of the Governors so to be appointed by the Lieutenant-Governor-in-Council shall retire annually, and the order of retirement shall be prescribed by the Board. <sup>Retirement of appointed governors.</sup>

The

The Governor so retiring shall be eligible for re-appointment.

Retirement of  
elected  
governors.

4. One of the Governors who shall be elected by the graduates shall retire annually and four of the Governors elected by the stockholders shall retire annually. All such Governors shall be eligible for re-election.

By-laws as to  
election of  
governors.

5. The Board of Governors may pass by-laws to provide for and regulate the election and retirement of the Governors to be elected by the graduates and stockholders as aforesaid.

## CHAPTER 163.

## An Act respecting the Rideau Club.

*Assented to 29th March, 1909.*

WHEREAS the Rideau Club has by petition represented that it is desirous of raising or borrowing money by the issue of debentures for the purpose of redeeming the debentures issued under the authority of an Act passed in the 59th year of the reign of Her late Majesty, Chaptered 122, and the subsisting mortgage for twenty-five thousand dollars on a portion of the real estate of the said Club and other indebtedness, and for the purpose of building and equipping additions and improvements to its Club premises; and whereas the Rideau Club has by its petition prayed that an Act may be passed for the purposes aforesaid, and it is expedient to grant the prayer of the said petition; Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Rideau Club, through its executive committee, may raise or borrow money, and may execute and issue mortgage debentures therefor, signed by the president and countersigned by the secretary, to an amount not exceeding in the aggregate two hundred and twenty-five thousand dollars, for the purpose of paying and redeeming the debentures issued under the authority of the Act passed in the 59th year of the reign of Her late Majesty, Chaptered 122, and the subsisting mortgage for twenty-five thousand dollars upon portion of the real estate of the Club, and other indebtedness; and of applying the balance of the money thus raised or borrowed for the purpose of building and equipping additions and improvements to the Club's property and premises in Ottawa; and the said executive committee may issue and sell or pledge all or any of said debentures for such prices and on such terms and conditions as the said committee may from time to time determine, in order to raise money for the purposes aforesaid.

Authority to  
borrow  
\$225,000.

Term of  
debentures.

2. The debentures issued under section 1 of this Act shall be for such sums, not being less than one hundred dollars each, and in such currency, and shall bear such rate of interest, and shall be payable at such times and places, as the executive committee of the Club may determine; but such debentures when paid shall not, nor shall any one or more of them, be re-issued or renewed until all of such debentures shall have been paid.

Debentures to  
be first charge  
on real estate  
of club.

3. The debentures issued under section 1 of this Act shall, without registration and without formal conveyance, be taken and considered to be and shall be first mortgage charges and incumbrances upon the real estate of the Club hereinafter specified, and upon all the property, assets, rents, and revenues of the Club, both present and future, subject only to the subsisting debentures issued under the said Act passed in the 59th year of the reign of Her late Majesty, and to the said mortgage on portion of the real estate of the Club, until the said last mentioned debentures and mortgage shall respectively have been paid; and, subject only as aforesaid, each and every holder of any one or more of the debentures issued under this Act shall be deemed to be and shall be a first mortgagee and incumbrancer, *pro rata* with the holders of the other debentures issued under this Act, upon (*inter alia*) the following lands and premises, namely: All and singular those certain parcels or tracts of land and premises situate, lying and being in the City of Ottawa, in the County of Carleton and Province of Ontario, and being composed of Lots Numbers Twenty and Twenty-one on the south side of Wellington Street, in the City of Ottawa aforesaid, the said lots numbering eastwards towards the Rideau Canal, as shewn on a registered plan prepared by James D. Slater, P.L.S., dated 20th March, 1863, and also upon the policy or policies of insurance effected and to be effected on the buildings upon the said lands and premises; and this Act may be registered against the aforementioned lands in the Registry Office of the City of Ottawa by the filing of a certified copy thereof.

Principal to  
become due on  
default of pay-  
ment of  
interest.

4. In case default be made at any time in the payment of the interest payable from time to time in respect of the said debentures the principal money thereby secured shall, at the option of the holder thereof, become due and payable; and in case of such default, or of default in due payment of the principal money secured by said debentures, each holder thereof shall, subject as aforesaid, have and may exercise all the powers, rights, and remedies of a first mortgagee and incumbrancer as aforementioned.

Insurance on  
buildings.

5. The policy or policies of insurance aforementioned shall be for the full insurable value of all the buildings erected or to be erected upon the said lands, and shall be issued

issued and, from time to time during the currency of the debentures issued under this Act or of any one or more of them, shall be renewed, re-issued, or otherwise kept in force, with loss (if any) payable to the general manager of the Bank of Ottawa for the time being, who shall for such purpose have an insurable interest therein, in trust to see that in case of loss or damage by fire the proceeds of such insurance be applied in rebuilding, or in default of rebuilding, to see that such proceeds be paid rateably and equally to the holders of debentures issued under this Act; and every such holder of any debenture or debentures shall be entitled to have produced and to inspect any such policy or policies of insurance not more than once in any year during which he is a holder of such debenture or debentures.

6. Subject only to the charges created and now existing in favour of the debentures issued under the Act passed in the 59th year of Her late Majesty's reign, and until the same shall have been paid, the interest on the debentures issued under this Act shall be a first and preferential charge upon the entrance fees from new members entering the Club; and it shall be the duty of the executive committee of the Club in each year out of said entrance fees and otherwise from the revenues of the Club, to pay the whole interest falling due in such year, and to apply the balance of said entrance fees, if any, in payment, or to form a sinking fund for the payment, of the principal money secured by the debentures issued under this Act as the same may respectively mature.

Interest to be first charge on fees of new members.

7. The moneys authorized to be raised by the issue of debentures under this Act shall be applied solely for the purposes mentioned in section 1 of this Act, and for no other purpose whatsoever; but any person or persons purchasing said debentures, or any one or more of them, or advancing money thereon, shall not be bound to see to the application of the purchase money thereof or of the money so advanced.

Application of proceeds of debentures.

8. The Rideau Club, through its executive committee, may also from time to time borrow upon the credit of the Club, by the issue of further debentures or otherwise, a further sum or sums not exceeding twenty-five thousand dollars for the purposes of the Club; and, subject to the first mortgage or incumbrance created by the debentures issued under this Act, may mortgage or pledge its real and personal property, or either of them, to secure any sum or sums so borrowed, at such rate of interest and on such terms as the executive committee of the Club may from time to time determine.

Authority to borrow further sum of \$25,000.

9. Section 7 of the Act passed in the 59th year of Her late Majesty's reign, Chaptered 122, is repealed.

59 V., c. 122, s. 7, repealed.

## CHAPTER 164.

## An Act respecting the Marriage Settlement of Robert Woods Prittie and Jane Prittie.

*Assented to 13th April, 1909.*

Preamble.

**W**HEREAS the National Trust Company, Limited, are the trustees under the marriage settlement of Robert Woods Prittie and Jane Prittie, and have by their petition set forth that under an indenture, being the said marriage settlement, dated the first day of June, one thousand eight hundred and eighty, and recorded in the registry office for the Western Division of the City of Toronto, upon the twenty-eighth day of June, one thousand eight hundred and eighty as Number 1392 S. E., John Downey and Warring Kennedy were appointed trustees, and that new trustees of the said indenture have from time to time been appointed and the last appointment was one which was made by an indenture dated the thirtieth day of June, one thousand nine hundred and eight, whereby the said National Trust Company, Limited, became the trustees of the said indenture, and that the trustees or trustee of the said indenture since the date thereof have acquired a large quantity of vacant land situate in the City of Toronto, the Town of West Toronto, now the City of West Toronto, and in the County of York, and that the said land was acquired at the request of the said Robert Woods Prittie and Jane Prittie under the powers of the said indenture, and that the land was purchased with the view of the sale at a profit, and that such profit would be income within the terms of the said indenture, and as such payable to the said Jane Prittie, and that question has been raised as to whether the said Jane Prittie is entitled to receive the profits derived from the sale of the said land as income under the provisions of the said indenture and as to the authority of the trustees or trustee to charge against the proceeds of the sale of the said land taxes and rates assessed against the said lands and outgoings in connection with the purchase, handling, dealing with, care, management and sale thereof; and whereas the said Jane Prittie has, by her last will and testament the absolute power of appointment and disposition

tion of the property subject to the trusts of the said indenture, and that the said Jane Prittie acting in the belief that after the outlay made in the purchase of said land had been replaced the remaining land and the proceeds thereof were subject to her disposition as income under the said indenture caused upon the marriage of her son Ralph Downey Prittie a portion of the said lands to be conveyed to the trustees of his marriage settlement, and that she desires one-half of the profits from the sale of the said lands shall be taken and considered as corpus and the balance as income, and power to settle upon any child of the said marriage upon the child's marriage such portion of the said lands or the profits thereof as she may deem proper, and further to have paid out of the said profits or conveyed portion of said land in value not exceeding the sum of sixty thousand dollars to such charity or charities as she may direct; and whereas the petitioners have prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said marriage settlement shall be read as containing at and since the date thereof direction, power and authority to and in the trustees thereof to pay out of or charge against the moneys held under the trusts thereof, being proceeds of vacant or non-income producing lands acquired by the said trustees since the date of the said settlement, all taxes, rates, assessments, municipal, parliamentary or otherwise charged, levied, rated or assessed against said lands or any part or parts thereof and all costs, charges and expenses and outgoings incurred or payable in connection with the acquisition, handling, dealing with, care, management and sale thereof, or of any parts or part thereof.

Power to charge taxes, rates, expenses, etc., against proceeds of sale of lands.

2. All payments heretofore made by the trustees of the said marriage settlement for taxes, rates, assessments, costs, charges, expense and outgoings in connection with the acquisition, handling, dealing with, care, management and sale thereof, and to the said Jane Prittie as or on account of income or otherwise out of moneys the proceeds of the sale of any part of the said lands, are hereby confirmed and declared to have been made by the said trustees under the provisions, powers and authority of the said settlement. And it is further declared that the proceeds of the sales of said lands and of any part or parts thereof received and got in from and after the thirtieth day of June, one thousand nine hundred and eight and hereafter shall, after payment thereout of all taxes, rates, assessments,

Confirmation of previous dealings with the trust estate by the trustees.

One half of gain to be deemed income and one half as part of corpus.

ments, costs, charges, expenses and outgoings as aforesaid, be divided into two parts, and one part thereof shall form part of the corpus of the trust property held under the said marriage settlement, and the other part thereof shall be income within the meaning of the said marriage settlement, and, as such, payable to the said Jane Prittie.

Conveyance  
of land to  
children on  
marriage.

3. The trustees of the said marriage settlement notwithstanding the terms and provisions of the said settlement are hereby authorized and empowered upon the request of the said Robert Woods Prittie and Jane Prittie, and in the event of the said Robert Woods Prittie predeceasing the said Jane Prittie, then upon her request to convey to or settle upon any and each child of the said marriage upon the marriage of any and of each of said children in such manner and upon such terms as the said Jane Prittie may direct, any part of the said lands acquired since the date of the said settlement or such portion of the profits or proceeds derived from the sale thereof as she the said Jane Prittie may direct, and the conveyance of part of the said lands heretofore made upon the marriage of Ralph Downey Prittie is hereby declared to have been within the power of the said trustees, and is hereby ratified and confirmed.

Conveyance of  
lands for  
charitable  
purposes up  
to \$60,000.

4. The said trustees notwithstanding the terms and provisions of the said marriage settlement are hereby authorized and empowered at the request of the said Robert Woods Prittie and Jane Prittie, and in the event of the said Robert Woods Prittie predeceasing the said Jane Prittie, then upon her request to convey such portion of the said lands procured as aforesaid of a value not exceeding the sum of sixty thousand dollars, or to pay and apply a sum of not more than sixty thousand dollars, being proceeds of the sale of said lands to such charity or charities or charitable and benevolent purposes as she the said Jane Prittie may direct, and upon such terms and conditions as she may direct.

How moneys  
paid and lands  
conveyed to be  
charged.

5. The value of any lands that may hereafter be conveyed and any moneys paid under the powers and provisions of sections 3 and 4 shall be charged against and paid out of the portion of the proceeds of said lands hereinbefore directed to form part of the corpus of the property held under the trusts of the said marriage settlement.

When Act to  
take effect.

6. This Act shall not come into force until so declared by proclamation of the Lieutenant-Governor in Council.



## CHAPTER 165.

## An Act respecting George Macaulay Diehl Van Koughnet.

*Assented to 13th April, 1909.*

**W**HEREAS George Macaulay Diehl VanKoughnet, of Preamble. the City of Toronto, has by his petition represented that heretofore, to wit, on the 14th day of May, 1898, he was married to Marie Larsen, who died on the 19th day of July, 1908, leaving issue of the said marriage, Edward Matthew, aged six years, and Elizabeth Hulda, aged three and one-half years; that his occupation necessitates frequent changes of his residence, and makes it difficult for him properly to provide for the support and education of the said female child; that Jules Napoléon Hamel, of the City of Montreal, and Berthe Alphonsine Eugénie Hamel, his wife, desire to adopt the said female child; and that the said George Macaulay Diehl Van Koughnet desires to enter into an agreement with the said Jules Napoléon Hamel, and Berthe Alphonsine Eugénie Hamel, providing for the adoption of the said female child by them, if legislation authorizing and confirming such an agreement is passed by this Legislature, and by the Legislature of the Province of Quebec; and whereas the said George Macaulay Diehl Van Koughnet has by his said petition prayed for the passing of such legislation by this Legislature; and whereas it is expedient to grant the prayer of the said petition;

Now therefore, His Majesty, by and with the advice and consent of the Legislature of the Province of Ontario, enacts as follows:

1. George Macaulay Diehl VanKoughnet is hereby authorized to enter into an agreement in the form set out in the schedule to this Act, and from and after the execution of the said agreement by the parties thereto, and the passing of an Act by the Legislature of the Province of Quebec authorizing or confirming the said agreement, the said agreement shall be and is hereby confirmed, and declared valid and binding, in so far as such confirmation and declaration by this Legislature is required.

Authority to  
make agree-  
ment as to  
adoption of  
child.

SCHEDULE

## SCHEDULE "A."

This indenture made the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1909, between George Macaulay Diehl VanKoughnet, of the City of Toronto, in the Province of Ontario (hereinafter called the parent), and Jules Napoléon Hamel and Berthe Alphonsine Eugène Boyer, his wife, both of the City of Montreal, in the Province of Quebec (hereinafter called the adopting parties).

Whereas the adopting parties have no child of their own, and are desirous of adopting a child to be brought up and educated by them.

And whereas the parent has an infant daughter born on the \_\_\_\_\_ day of July, 1905, to wit, Elizabeth Hulda Van-

Koughnet.

And whereas the mother of the said child died on the nineteenth day of July, 1908.

And whereas by reason of the exigencies of his employment the parent is not at present, nor is he likely in the future to be in a position to provide for the said Elizabeth Hulda VanKoughnet a permanent home and home life.

And whereas the parent is satisfied that the adopting parties are fit and proper persons to have the custody of the said child, and that the arrangements hereinafter set forth would be for the benefit of the said child, and has agreed to permit the said child to be adopted by the adopting parties upon the terms hereinafter contained.

Now therefore this indenture witnesseth, and it is hereby agreed and declared as follows:—

1. The parent consents to the adoption of the said child Elizabeth Hulda VanKoughnet by the adopting parties, and hereby relinquishes in their favour all his rights, claims and authority as the father of the said child.

2. (a) The said adopting parties shall have the same rights and authority over the said child, and shall be held to the same duties towards her, as if she was their lawful child.

(b) In construing the provisions of any wills, contracts or settlements heretofore executed in which the lawful child or children of the said adopting parties are mentioned as beneficiaries or otherwise, the said child shall not be deemed to be a child of the said Jules Napoléon Hamel and Berthe Alphonsine Eugène Boyer, his wife, unless she is mentioned therein by name.

(3) The adopting parties undertake at their own expense to give the said child a thoroughly good education suitable to their own rank in life, and at all times during her infancy properly to maintain her, and furnish her with all things necessary and suitable for a person of her age in such rank as aforesaid.

In witness whereof the said parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered

In the presence of

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# TABLE

SHEWING

## REVISED STATUTES AND SUBSEQUENT ACTS AFFECTED BY ACTS OF 9 EDWARD VII.

Act repealed or amended.				Subject matter.	How affected.	Chapter of 9 Edw. VII
Rev. Stat.	c.	4		Provisional County of Haliburton.....	Repealed	2
"	c.	10		Personation .....	Repealed	3
"	c.	15		Public Service .....	Amended	4
"	c.	16		Public Officers .....	Repealed	5
"	c.	17		Sheriffs .....	Repealed	6
"	c.	20		Official Notices .....	Repealed	7
"	c.	22		Public Revenue .....	Repealed	9
"	c.	25		Law Stamps .....	Repealed	13
"	c.	29		Free Grants and Homesteads .....	Amended	15
"	c.	40		Drainage Aid .....	Repealed	21
"	c.	41		Tile, Stone and Timber Drainage.....	Repealed	22
"	c.	42		Department of Agriculture.....	Amended	26
"	c.	45		Niagara Falls Park .....	Amended	24
"	c.	51		Judicature .....	Amended	27, 28
"	c.	54		Local Courts .....	Repealed	29
"	c.	55		County Courts.....	Amended	28
"	c.	56		General Sessions of the Peace.....	Repealed	30
"	c.	57		County Judges' Criminal Court.....	Repealed	31
"	c.	59		Surrogate Courts .....	Amended	32
"	c.	60		Division Courts .....	Amended	33
"	c.	61		Jurors .....	Repealed	34
"	c.	62		Arbitrations and References.....	Repealed	35
"	c.	63		Boards of Trade General Arbitrations..	Repealed	36
"	c.	65		Lunatics.....	Repealed	37

Act repealed or amended.		Subject matter.	How affected.	Chapter of 9 Edw. VII
Rev. Stat.	c. 66	Replevin .....	Repealed	38
"	c. 67	Dower .....	Repealed	39
"	c. 68	Libel and Slander .....	Repealed	40
"	c. 69	Seduction .....	Repealed	41
"	c. 70	Crown Administration .....	Repealed	42
"	c. 73	Evidence .....	Repealed	43
"	c. 74	Commissioners for taking Affidavits ...	Repealed	44
"	c. 75	Costs of Distress .....	Repealed	45
"	c. 76	Judges' Orders .....	Repealed	46
"	c. 77	Execution .....	Repealed	47
"	c. 78	Creditors' Relief .....	Repealed	48
"	c. 79	Absconding Debtors .....	Repealed	49
"	c. 80	Arrest and Imprisonment for Debt ...	Repealed	50
"	c. 81	Relief of Indigent Debtors .....	Repealed	50
"	c. 83	Habeas Corpus .....	Repealed	51
"	c. 84	Constitutional Questions .....	Repealed	52
"	c. 85	Damage to Lands by Flooding .....	Repealed	53
"	c. 86	Justices of the Peace .....	Amended	26
"	c. 87	Police Magistrates .....	Amended	26, 54
"	c. 96	Crown Attorneys .....	Repealed	55
"	c. 109	Unorganized Territory .....	Amended	28, 30, 56
"	c. 112	Mortmain and Charitable Uses .....	Repealed	58
"	c. 114	Escheats and Forfeitures .....	Repealed	57
"	c. 129	Trustees .....	Amended	32
"	c. 130	Trustees' Investments .....	Repealed	59
"	c. 134, s. 3	Vendors and Purchasers .....	Repealed	43
"	c. 136	Registry Act .....	Amended	26
"	c. 138	Land Titles .....	Amended	26
"	c. 139	Ferries .....	Repealed	60
"	c. 140	Mills and Mill Dams .....	{ Repealed in part }	61

Act repealed or amended.		Subject matter.	How affected.	Chapter of 9 Edw. VII
Rev. Stat.	c. 154	Woodman's Lien for Wages .....	Amended	26
"	c. 162	Marriage .....	Amended	62
"	c. 164	Dower .....	Repealed	39
"	c. 167	Deserted Wives' Maintenance .....	Amended	26
"	c. 174	Solicitors .....	Amended	28
"	c. 175	Notaries Public .....	Repealed	63
"	c. 179	Pharmacy .....	Amended	64
"	c. 184	Veterinary Surgeons .....	Amended	96
"	c. 185	Stationary Engineers .....	Amended	65
"	c. 203	Insurance .....	Amended	26
"	c. 220	Guarantee Companies .....	Repealed	67
"	c. 226	Municipal Drainage .....	Amended	78
"	c. 232	Public Libraries .....	Repealed	80
"	c. 234	Municipal Light and Heat .....	Amended	79
"	c. 235	Municipal Waterworks .....	Amended	26
"	c. 245	Liquor Licenses .....	Amended	82
"	c. 248	Public Health .....	Amended	84, 85
"	c. 263	Egress from Public Buildings .....	Repealed	87
"	c. 264	Prevention of Accidents by Fire in Hotels, etc. ....	Amended	26
"	c. 280	Yellows and Black Knot .....	Amended	26
"	c. 296	Truancy .....	Repealed	92
"	c. 307	Property of Religious Institutions .....	Amended	26
"	c. 334, s. 12	Administration of Justice (Evidence) ..	Repealed	43
"	ss. 24-26	" " (Capias) ....	Repealed	50
"	c. 330	Dower .....	{ Repealed in part }	39
"	c. 333	Mortmain and Charitable uses .....	Repealed	58
"	c. 336	Trustee Relief .....	{ Repealed in part }	37
"	c. 338, s. 11	Statute of Frauds (Executions) .....	Repealed	47
"	c. 341	Lunatics .....	{ Repealed in part }	37

Act repealed or amended.	Subject matter.	How affected.	Chapter of 9 Edw. VII
61 Vict., c. 10....	Forest Reserves.....	Amended	16
“ c. 23, s. 1	Municipal Amendment (Haliburton)...	Repealed	2
“ c. 27....	Public Libraries in Police Villages.....	Repealed	80
“ c. 33....	San José Scale.....	Amended	26
62 Vict. (2) c. 7	Executions and Sheriffs.....	{ Repealed in part }	6
“ “ s. 7	“ “ (Arrest).....	Repealed	47, 50
“ c. 11, s. 37	Statute Law Amendment (Jurors).....	Repealed	34
“ s. 37	“ “ “ (Local Courts).....	Repealed	29
“ s. 32	“ “ (Trustees' Investments).....	Repealed	59
“ c. 13....	Seduction.....	Repealed	41
“ c. 41....	Manitoulin.....	Amended	30
“ c. 29....	Public Libraries.....	Repealed	80
“ c. 31....	Brewers and Distillers.....	Amended	82
63 Vict., c. 17, ss. 9, 10	Statute Law Amendment (Crown Attorney).....	Repealed	55
“ s. 11	“ “ “ (Local Courts).....	Repealed	29
“ s. 13	“ “ “ (Evidence)...	Repealed	43
“ s. 14	“ “ “ (Judge's Orders).....	Repealed	46
“ c. 18....	Trustees' Investments.....	Repealed	59
“ c. 30....	Aid to Algoma Central Railway.....	Amended	70
“ c. 57....	Municipal Sanatoria for Consumptives.....	Amended	26
1 Edw. VII, c. 12 .. s. 7	Statute Law Amendment (County Judges Criminal Court).....	Repealed	31
“ c. 14....	Trustees' Investments.....	Repealed	59
“ c. 23....	Aid to Manitoulin and North Shore Railway.....	Amended	72
“ c. 30....	Municipal Drainage.....	Amended	78
“ c. 39....	Public Schools.....	Repealed	89
“ c. 40....	High Schools.....	Repealed	91
2 Edw. VII, c. 2..	Mortmain and Charitable Uses.....	Repealed	58
“ c. 12, s. 5	Statute Law Amendment (Sheriffs)...	Repealed	6
“ s. 10	“ “ “ (Local Courts).....	Repealed	29

Act repealed or amended.	Subject matter.	How affected.	Chapter of 9 Edw. VII
2 Edw. VII. c. 12.. s. 20	Statute Law Amendment (Dower) .....	Repealed	39
" c. 14.	Jurors .....	Repealed	34
" c. 15..	Expert Witnesses .....	Repealed	43
" c. 32..	Municipal Drainage .....	Amended	78
" c. 34..	Public Health .....	Amended	84
" c. 40..	Public Schools .....	Repealed	89
" c. 42..	High Schools .....	Repealed	91
3 Edw. VII., c. 7. s. 10	Statute Law Amendment (Local Courts)	Repealed	29
" ss. 14, 15	" " (Jurors) .....	Repealed	34
" ss. 17, 18	" " (Execution) ..	Repealed	47
" s. 25	" " (Trustees Investments) ..	Repealed	59
" c. 19..	Municipal Institutions .....	Amended	73, 74, 75
" s. 471	" " (Execution) .....	Repealed	47
" s. 602	" " (Dower in lands dedicated for highway) .....	Consolidated	39
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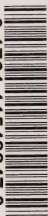


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